

AN
ANALYTICAL SYNOPSIS
OF
THE CRIMINAL CODE

AND OF
THE CANADA EVIDENCE ACT

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MONTREAL, CAN.

C. THEORET, LAW BOOK-PUBLISHER

Nos 11 & 13 ST. JAMES STREET

1899

REGISTERED according to Act of Parliament of Canada, in the year one thousand
eight hundred and ninety-nine, at the department of the Minister of
Agriculture, Ottawa, by C. THORET, Publisher, Montreal.

PREFACE.

The present work has been prepared at the urgent request of the publisher.

It is a general analytical outline,—free from minor details,—of the criminal law of Canada as contained in the Code and in the Canada Evidence Act, and will be of great service not only to students and professors of Universities and Law Schools, but to Judges, Magistrates and Practitioners, who will find it of considerable value as an auxiliary handbook to larger works upon the subject.

In order to bring the work down to date, the statutory amendments made by the 56 Vic., c. 32, the 57-58 Vic., c. 57, the 58-59 Vic., c. 40, the 61 Vic., c. 53, and the 62-63 Vic., c. 46, have been incorporated in their proper places.

At the last session of the Dominion Parliament, a number of additional amendments, of considerable importance, were intended to have been made to the Code by a bill introduced in and passed by the Senate ; but, it is to be regretted that,—with the exception of a slight alteration made in section 520 of the Code by the 62-63 Vic., c. 46, above mentioned,—the House of Commons failed to deal with them. There is no doubt, however, that they will be dealt with and passed at the next session.

Another Act, — chapter 47, — passed at the last session of the Dominion Parliament, though not expressly entitled an act relating to the Criminal Code, provides that all offences committed in any part of Canada, east of the province of Manitoba and the district of Keewatin and the north of the provinces of Ontario and Quebec, may be enquired of and tried within any district, county or place in any of the said provinces, and that such offences shall be within the jurisdiction of any Court having jurisdiction over offences of the like nature within the limits of such district, county or place.

MONTREAL, October, 1899.

J. C.

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THE CRIMINAL CODE

TITLE I

Part I.—Preliminary (SECS. 1 to 6).

CAME INTO FORCE, 1st July 1893.

PUNISHMENTS

- Death, Imprisonment, Whipping, Fine.*
- Suretyship* for future good behaviour.
- Removal* from Crown Office.
- Forfeiture* of pension or superannuation allowance.
- Disqualification* from holding office, from sitting in Parliament, and from exercising any franchise.
- Payment* of costs.
- Indemnification* of person suffering loss by offence.

Part II.—*Justifications or excuses* (SECS. 7 to 60).

COMMON LAW rules and principles as to justifications or excuses } Remain in force, { Except as altered by or inconsistent with the Code.

CHILDREN under seven—Cannot be guilty of an offence.

CHILDREN between seven } Cannot be guilty, } Unless proved competent to know
and fourteen } the nature and consequence of
the act and that it was wrong.

INSANITY.

An insane person is { one laboring under natural mental imbecility or disease to an extent rendering him incapable of appreciating the nature and quality of the offence or of knowing it to be wrong.

A person who, when thus insane, does or omits an act { is not guilty of an offence.

One laboring under specific delusions, but otherwise sane, { Cannot be acquitted as insane, { Unless the delusion caused his belief in a state of things which, if existent, would justify or excuse his act or omission.

COMPULSION,

By threats of immediate death or of grievous bodily harm from one actually present at the commission of an offence, { is,—to one believing the threats will be executed and who is not a party to an association or conspiracy rendering him subject to such compulsion,—an excuse for committing any offence, { except treason, murder, piracy, attempt to murder, assisting at rape, forcible abduction, causing grievous bodily harm, and arson.

A married woman, { who commits an offence in her husband's presence, { is not presumed to have done it under compulsion.

Ignorance of law { is no excuse for committing } (For exception, see p. 3, post.)
an offence.

Execution of a lawful sentence, warrant, etc.

The EXECUTION of a LAWFUL SENTENCE { by a ministerial officer of a Court authorised to execute a lawful sentence, or by a gaoler and } IS JUSTIFIED.
EVERY PERSON lawfully assisting therein

The EXECUTION of a LAWFUL PROCESS of a Court { by a ministerial officer of any Court duly authorised to execute its lawful process, and } IS JUSTIFIED.
EVERY ONE lawfully ASSISTING therein, and

The RECEIPT and detention OF ANY PERSON thereunder { BY A GAOLER required to receive and detain him thereon }

The EXECUTION of a Court's or of a Justice's LAWFUL WARRANT, { by a person duly authorised to execute a lawful warrant of such Court or Justice, and } IS JUSTIFIED.
EVERY PERSON lawfully ASSISTING therein and

The RECEIPT and detention of any person thereon, { by a gaoler required under such warrant to receive and detain him, }

The EXECUTION and CARRYING OUT,

Erroneous and Irregular sentences, warrants, etc.

By a duly authorised officer,
gaoler, and lawful assistants, { of a SENTENCE, process or
warrant PASSED OR ISSUED
WITHOUT AUTHORITY OR
without or in excess of ju-
risdiction in the particular
case, } IS JUSTIFIED,

if the Court which passed or issued it has jurisdiction under some circum-
stances to pass or issue it,

EVERY OFFICER, gaoler or { any process or warrant, PASSED } is protected
person EXECUTING or { or issued WITHOUT JURISDICTION, } from crimi-
nial respon-
sibility,

if he acts in good faith believing it to be that of a Court, etc., having juris-
diction, and if such Court, etc., act under color of a lawful appointment
or commission.

EVERY ONE acting under A { if he, in good faith and without } is protected
WARRANT or process, BAD IN { culpable ignorance and ne- } from crimi-
LAW for a defect in substance { gligence, believes the war- } nial respon-
or form apparent on its face, { ant or process good in law, } sibility.

And ignorance of the law, in such case, is an excuse (1).

Whether the facts constitute culpable { is a question of law.
negligence in so believing }

Arrest of wrong person.

EVERY ONE duly authorised { is PROTECTED }
to execute a warrant to { from criminal }
arrest, { responsibility } if he, in good faith and on
and { in ARRESTING } reasonable grounds, believes
EVERY ONE called upon to { and receiving } that the person arrested is
assist therein, { and detaining } the one named in the war-
and { A WRONG PER- } rant.
EVERY GAOLER required to { SON, }
receive and detain the
person arrested

(1) See "Ignorance of law," *ante*, p. 2.

A PEACE OFFICER who, on reasonable grounds, believes an offence for which an arrest without warrant may be made has been committed, } is JUSTIFIED in arresting } (whether the offence has been committed or not, and whether such person is guilty or not,

and

EVERY ONE called upon to assist a peace officer in arresting a person so suspected, } is JUSTIFIED } (if he knows that the person calling on him is a peace officer and does not know there are no reasonable grounds for suspicion.

EVERY ONE, who FINDS a person committing any offence for which an arrest may be made without warrant or for which the offender may be arrested when found committing it, } is JUSTIFIED in arresting } such person without warrant.

EVERY ONE who, on reasonable grounds, believes a person guilty of an offence for which an arrest may be made without warrant, } is JUSTIFIED in arresting } (if such offence has been committed, whether such person is guilty or not.

EVERY ONE, who, on reasonable grounds, believes he finds a person committing, BY NIGHT, an offence for which an arrest may be made without warrant, } is PROTECTED FROM CRIMINAL RESPONSIBILITY in } arresting such person, without warrant.

A PEACE OFFICER who finds any person, } AT ANY TIME } committing any offence,

AND EVERY ONE who finds any person, } BY NIGHT } is JUSTIFIED in arresting such person without warrant.

AND EVERY PEACE OFFICER who finds any person lying or loitering in any highway, etc., BY NIGHT, } (and whom he has good cause to suspect of having committed or being about to commit any offence for which an arrest may be made without warrant.

EVERY ONE WHO, on reasonable and probable grounds, believes a person has committed an offence and is escaping from and freshly pursued by those whom he believes to have lawful authority to arrest him, } is PROTECTED FROM CRIMINAL RESPONSIBILITY in arresting such person without warrant.

Force in arrests. } EVERY ONE JUSTIFIED or PROTECTED from criminal responsibility in executing a sentence, warrant or process, or in making an arrest, } is JUSTIFIED or PROTECTED FROM CRIMINAL RESPONSIBILITY, as the case may be, in using necessary force to overcome resistance thereto ;

and

EVERY ONE lawfully assisting therein, }

Unless the sentence, etc., can be executed or the arrest effected by reasonable means, less violently.

It is the duty

- OF EVERY ONE who executes a process or warrant, { to have it with him and produce it if required.
- OF EVERY ONE who arrests another with or without warrant, { to give notice when practicable of the warrant under which he acts or the cause of the arrest.
- A failure to perform either duty does not of itself do away with protection from criminal responsibility, but is relevant to the enquiry whether the process, etc., might not have been executed or the arrest made by reasonable means less violently.

USE OF FORCE TO PREVENT ESCAPE OR RESCUE.

- Every PEACE OFFICER, who, with or without warrant, and every PRIVATE PERSON who, without warrant, proceeds lawfully to arrest a person for an offence for which an arrest may be made without warrant, and
- EVERY ONE lawfully assisting a peace officer therein, and
- EVERY PERSON proceeding lawfully to arrest a person for any other offence
- is,—if the person to be arrested takes to flight to avoid arrest, —JUSTIFIED IN USING FORCE necessary to prevent his escape by such flight; unless the escape can be prevented by reasonable means less violently,
- Provided,—as to a peace officer, in case of an offence for which an arrest cannot be made without warrant, and, as to a private person, in any case,—such force is not intended nor likely to cause death or grievous bodily harm.
- EVERY ONE who has lawfully arrested a person for any offence for which an arrest may be made without warrant or for any other offence
- is PROTECTED from criminal responsibility, { in USING such FORCE as he reasonably believes necessary to prevent such person's escape or rescue.
- Provided, — in case of an offence other than one for which an arrest may be made without warrant, — such force is not intended nor likely to cause death or grievous bodily harm.

Preventing Breaches of the Peace,

- EVERY ONE who witnesses a breach of the peace { is JUSTIFIED in interfering to prevent its continuance and
- may detain any person committing or about to join in or renew such breach so as to hand him over to a peace officer,
- Provided he use no more force than necessary to prevent its continuance or renewal or than is reasonably proportioned to the danger to be apprehended from its continuance or renewal,
- EVERY PEACE OFFICER who witnesses a breach of the peace and
- EVERY ONE lawfully assisting him, { is JUSTIFIED in arresting any one whom he finds committing or whom he on reasonable grounds believes about to join in or renew such breach.
- EVERY PEACE OFFICER is JUSTIFIED in receiving into his custody,
- any person { into his charge, as having been a party to a breach of the peace, { by any one who has or whom such peace officer reasonably believes to have witnessed such breach.

EVERY SHERIFF, deputy sheriff, mayor or other head officer of a county city, town or district, and every magistrate and justice of the peace } is JUSTIFIED in USING and ordering to be used

such FORCE as he in good faith and on reasonable grounds believes necessary to SUPPRESS A RIOT, and as is not disproportioned to the danger he reasonably believes to be apprehended from the continuance of the riot,

and

EVERY PEACE OFFICER, } is JUSTIFIED in USING

EVERY ONE,—whether subject to military law or not,—

SUPPRESSION OF RIOTS

who acts in good faith upon orders from the said authorities to suppress a riot, } is JUSTIFIED in obeying such orders, unless they are manifestly unlawful and
is PROTECTED from criminal responsibility in using such force as he reasonably believes necessary to carry such orders into effect.

Whether any such order is manifestly unlawful or not is a QUESTION OF LAW.

EVERY ONE, bound by military law to obey his superior officer's lawful command, } is JUSTIFIED in obeying any command given him by his superior officer for the suppression of a riot, unless such order is manifestly unlawful.

EVERY ONE,—whether subject to military law or not,—

who, in good faith, reasonably believes that serious mischief will arise from a riot before there is time to procure the intervention of any of the authorities aforesaid, } is JUSTIFIED in USING such FORCE as he in good faith reasonably believes necessary to suppress such riot, and as is not disproportioned to the danger he reasonably believes to be apprehended from the continuance of the riot.

Prevention of offences.

EVERY ONE is JUSTIFIED in USING such FORCE as may be reasonably necessary } to PREVENT

the commission of any offence for which if committed the offender might be arrested without warrant, } and the commission of which would be likely to cause immediate and serious injury to the person or property of any one;

any act being done which he reasonably believes would amount if committed to any of such offences.

EVERY ONE, unlawfully assaulted, not having provoked such assault,

is JUSTIFIED in repelling force by force, { if the force he uses is not meant to cause death or grievous bodily harm and is no more than necessary for self defence,

and

is JUSTIFIED though he causes death or grievous bodily harm, { if he causes it under reasonable apprehension of death or grievous bodily harm from the violence of the assault originally made or with which it is pursued, and if he reasonably believes he cannot otherwise preserve himself from death or grievous bodily harm.

EVERY ONE, who has, without justification, ASSAULTED another or has provoked an assault from that other,

SELF DEFENCE.

may, nevertheless JUSTIFY FORCE, subsequent to such assault, { if used under reasonable apprehension of death or grievous bodily harm from the violence of the person first assaulted or provoked, under reasonable belief of its necessity for his own preservation from death or grievous bodily harm,

Provided he did not commence the assault with intent to kill or do grievous bodily harm, and did not,—at any time before the necessity for preserving himself arose,—endeavor to kill or do grievous bodily harm,

and

Provided that before such necessity arose, he declined further conflict and quitted or retreated from it as far as practicable.

PROVOCATION { may be given } by BLOWS, WORDS or GESTURES.

EVERY ONE is JUSTIFIED in USING FORCE

in defence of his own person, or that of any one under his protection, { from an assault accompanied with insult, { Provided he uses no more force than necessary to prevent such assault or its repetition;

But this does not justify the wilful infliction of any hurt or mischief disproportionate to the insult which the force was intended to prevent.

DEFENCE OF MOVEABLES.

{ EVERY ONE in peaceable possession of any moveable and EVERY ONE lawfully assisting him, } is JUSTIFIED in resisting { if he does not the taking thereof by any trespasser, or in retaking it from such trespasser, { strike or do bodily harm to such trespasser.

The trespasser is deemed to commit an unjustifiable and unprovoked assault, if,—after the party in peaceable possession has laid his hands on such thing,—{ such trespasser persists in trying to keep or take it from the possessor or any one lawfully assisting him.

DEFENCE OF MOVEABLES. { EVERY ONE in peaceable possession of any moveable UNDER a claim of RIGHT, and EVERY ONE acting under his authority, } is protected from criminal responsibility { for defending such possession against a person entitled by law to such moveable, if he use no more force than necessary.

EVERY ONE, in peaceable possession of any moveable, { but neither claiming right thereto nor acting under the authority of one who claims right thereto, } is NEITHER JUSTIFIED nor protected from criminal responsibility for defending his possession against one entitled by law to possession thereof,

Defence of dwelling house or other real property. { EVERY ONE in peaceable possession of a dwelling house, and EVERY ONE lawfully assisting him or acting by his authority, } is JUSTIFIED in USING such FORCE as is necessary to prevent the forcible breaking and entering of such house; by any person, { by NIGHT or DAY *with intent* to commit any indictable offence therein, or BY NIGHT, if he believes, on reasonable grounds, that such breaking and entering is attempted *with such intent*.

{ EVERY ONE in peaceable possession of any house or other real property, and EVERY ONE lawfully assisting him or acting by his authority, } is JUSTIFIED in using force to prevent any person trespassing on such property or to remove him therefrom, { if he uses no more force than is necessary.

The TRESPASSER is deemed to commit an unjustifiable and unprovoked assault, { if he resists such attempt to prevent his entry or to remove him.

Asserting right to house or land. { EVERY ONE lawfully entitled and EVERY ONE acting by authority of a person lawfully entitled, } to the possession of any house or land, { is JUSTIFIED in peaceably entering in the DAY TIME to take possession thereof.

ANY ONE not having peaceable possession or not acting under the authority of one having peaceable possession of any such house or land, with a claim of right, } is deemed to commit an unjustifiable and unprovoked assault, { if he assaults any one so peaceably entering as aforesaid so as to make him desist from entry,

but

If ANY ONE having peaceable possession of such house or land, with a claim of right, and If ANY ONE acting by his authority, { assaults any one entering as aforesaid, for the purpose of making him desist from entry, } such assault is deemed to be provoked by the person entering.

DISCIPLINE. { A PARENT, or a person in place of { may lawfully USE FORCE by way of cor-
 a parent, a school-master, or a { rection towards any child, pupil or ap-
 master, { prentice,
 Provided such force is, under the circumstances, reasonable.
 The master or officer in com- { may lawfully use { for the purpose of maintain-
 mand of a ship on a { force, reason- { ing good order and discipli-
 voyage, { able in degree, { ne thereon,
 Provided he reasonably believes such force necessary.

Surgical operation. { EVERY ONE IS PROTECTED { for performing with reasonable care and skill
 { from criminal respon- { any surgical operation upon any person for
 sibility, { his benefit,
 Provided that performing the operation was reasonable, having regard to
 the patient's state at the time and to all the circumstances.

EXCESS. { EVERY ONE author- { is criminally RES- { according to the nature and
 { ised by law to use { POSSIBLE for { quality of the act which
 force, { any EXCESS, { constitutes the excess.

Consent to death. { NO ONE { has the right { to the infliction of death upon himself,
 { to consent { and
 { NO SUCH CONSENT, { has any effect upon the criminal responsibility
 { if given, { of any person causing such death.

De facto law. { EVERY ONE IS PROTECTED from criminal RESPONSIBILITY,
 { for any act { done in obedience to the laws for the time being
 { made and enforced by those in possession (de
 { facto) of the sovereign power in or over the place
 { where the act is done.

Part III.—Parties to offences (SECS. 61 to 64).

PRINCIPALS. { EVERY ONE IS A PRINCIPAL, { 1. who actually commits it,
 { —i. e., a party to and { 2. who does or omits an act to aid its commission,
 guilty of an offence. { 3. who abets any person in its commission,
 { 4. who counsels or procures its commission.
 EACH OF SEVERAL persons, who form a common intention to prosecute and
 assist each other in any unlawful purpose,
 is a PARTY to every offen- { if its commission was { a probable conse-
 ce committed by any { or { quence of prose-
 of them in prosecuting { ought to have been known to be { cuting such com-
 such common purpose, { mon purpose. ,

PRINCIPALS. { EVERY ONE, who counsels or procures another to be a party to an offence,
 is a PARTY to { if the party counselled { although committed differently from
 that offence, { is afterwards guilty of it, { that counselled or procured,
 and
 is a PARTY to { which that other com- { and which he knows or ought to
 every offence, { mits in consequence { know to be likely to be com-
 of such counselling { mitted in consequence of his
 or procuring. { counselling or procuring.

Accessories after the fact. { An ACCESSORY after the fact,
 is one who RECEIVES, comforts or { to enable him to escape, knowing
 assists one who has been a party { him to have been a party to such
 to an offence, { offence.
 NO MARRIED PERSON,—whose husband or wife has been a party to an offence,—
 shall become accessory after the { by RECEIVING, comforting or assisting the
 fact thereto, { other.
 NO MARRIED WOMAN,—whose husband has been a party to an offence,—
 shall become an ac- { by RECEIVING, comforting or assisting, in his presence
 cessory after the { and by his authority, any other person who has
 fact thereto, { been a party to such offence, in order to enable her
 husband or such other person to escape.

ATTEMPTS. { EVERY ONE,—who,—with intent to commit an offence,—
 does or omits an act for { is guilty of an ATTEMPT { whether under the circum-
 the purpose of accom- { to commit the of- { stances it was possible to
 plishing the object, { fence intended, { commit the offence or not.
 Whether an act done or omitted with intent to commit an
 offence is or is not only preparation for its commission, and } is a QUESTION
 too remote to constitute an attempt to commit it, } of LAW.

TITLE II.

Offences against public order, internal and external.

Part IV. *Treason and other offences against the Queen's person and authority*
(SECS 65 to 78).

TREASON is	the ACT of KILLING,		{	HER MAJESTY,		
	or			or		
	FORMING and manifesting by an overt act, an INTENTION to KILL		{	HER ELDEST SON and heir apparent, or the Queen Consort of any King of Great Britain and Ireland,		
	or					
	the ACT of DOING,		{	TO HER MAJESTY	{ ANY BODILY HARM tending to death or destruction, maim or wounding,	
	or					
	FORMING and manifesting, by an overt act, an INTENTION to DO		{			
	or					
	the ACT of IMPRISONING or restraining,		{			
	or			HER MAJESTY,		
	FORMING and MANIFESTING, by an overt act, an INTENTION to imprison or restrain					
	or					
	CONSPIRING with any other person,		{	to kill HER MAJESTY or to do Her any bodily harm tending to death or destruction, etc., or to IMPRISON or restrain Her,		
	or					
	the LEVYING of WAR or conspiring to LEVY WAR,		{	(1) with intent to depose Her from the style honor and royal name of the Imperial Crown,		
	AGAINST HER MAJESTY,			or		
				(2) in order, by force or constraint, to compel Her to change her measures or counsels or in order to intimidate the British or the Canadian Parliament,		
	or					
	INSTIGATING any FOREIGNER,					
with force, to invade,		{	the UNITED KINGDOM, or CANADA, or any other dominion of Her Majesty,			
or						
ASSISTING,		{	any public ENEMY at war with Her Majesty, in such war,			
by any means whatsoever,						
or						
VIOLATING,						
with or without		{	a QUEEN CONSORT, or the wife of the Eldest Son and heir apparent for the time being of the King or Queen Regent.			
her consent,						

The ACT of treasonably CONSPIRING and every overt { in an OVERT ACT of TREASON,
act of such conspiracy,

EVERY ONE is guilty of an { punishable with } who commits TREASON,
indictable offence, DEATH,

and so is

Levying War. { EVERY SUBJECT or (a) who is or continues in arms against Her Majesty,
citizen of any foreign state or (b) who commits any act of hostility therein, or
country at peace with Her Ma- (c) who enters Canada with intent to levy war against
jesty, Her Majesty, or to commit therein any indictable
offence punishable in Canada with death,
and
(d) who levies war against Her Majesty in company with
any such foreigners, or
EVERY SUBJECT (e) who enters Canada in their company with intent to
of Her Majesty levy such war or commit any such offence therein, or
within Canada (f) who, with intent to aid and assist, joins any person
who has entered Canada with intent to levy such war
or to commit any such offence therein.

Accessories to Treason. { EVERY ONE is guilty of an INDICTABLE OFFENCE,
who becomes { an ACCESSORY after } to TREASON,
the fact
or
who, knowing that a person is about to commit treason,
DOES NOT, INFORM a Justice of the peace thereof,
with
reasonable } or
despatch, } use other reasonable endeavor to prevent its commission,
or

Treasonable Offences. { who forms an INTENTION,
(a) to depose Her Majesty from the style honor and royal name of the Imperial Crown, etc.,
or
(b) to LEVY WAR { to compel Her Majesty to change Her
against Her Ma- measures or counsels, or
jesty in order by } to intimidate both oreither of the Impe-
rator or restraint rial or Canadian Houses of Parliament,
or
(c) to move or stir } with force to invade the United King-
any foreigner or } dom, or Canada, or any other of the
stranger Queen's dominions, etc.,
and } who mani-
fest any such
intention, by
conspiring
with any one
to carry it in-
to effect, or
by any other
overt act, or
by publishing
any printing
or writing,

or

who CONFEDERATES, combines or conspires, with any person,

to do any act of } in order to INTIMIDATE or to put force or constraint upon any
violence, } LEGISLATURE, etc.

- or
- Assaults on the Queen. { (a) who wilfully and with intent { PRODUCES or has any arm or destructive or dangerous thing NEAR Her Majesty, alarm Her Majesty
- or
- Her Majesty, { (b) who, wilfully and with intent to alarm or to injure Her Majesty, { (1) POINTS aims or presents any fire arm, loaded or unloaded, or any other kind of arm, AT OR NEAR, (2) DISCHARGES any loaded arm, AT OR NEAR, (3) DISCHARGES any explosive material, NEAR (4) strikes or strikes at (5) throws anything, AT OR UPON
- or
- (c) who ATTEMPTS to do any of the things specified in paragraph (b),
- or who,
- for any traitorous or mutinous purpose, { endeavors to SEDUCE any person serving in Her Majesty's sea or land forces { from his duty and allegiance to Her, or endeavors to ENTICE to commit any traitorous or mutinous or stir him up { practice,
- or who,
- not being a soldier or seaman in Her Majesty's service, { ENTICES or tries to entice any soldier or sailor { to DESERT from or leave Her Majesty's naval or military service, or CONCEALS receives or assists any such deserter { knowing him to be one. (1)
- Incing to mutiny or desertion. { EVERY ONE is guilty of a SUMMARY OFFENCE, who RESISTS the execution { of a warrant to break open a building to search for any military or naval deserter,
- or
- who PERSUADES or attempts to persuade { any MILITIAMAN, or any member of or person engaged to serve in the Northwest Mounted Police Force } to DESERT,
- or
- who aids or assists him in deserting, { knowing him to be about to do so,
- or
- who CONCEALS or assists in receiving any such man, { knowing him to be a deserter.

EVERY ONE is guilty of an INDICTABLE OFFENCE

Obtaining and communicating official information.

for the purpose of wrongfully obtaining information, {

who,

ENTERS or IS IN any part (in which he is not entitled to be) of a place in Canada belonging to Her Majesty, being a fortress, arsenal, factory, dockyard, camp, ship, office, etc.,

or,

when lawfully { OBTAINS any document sketch, plan, model, or know-
or unlawfully { ledge of anything which he is not entitled to
in any such { obtain, or TAKES, without lawful authority, any
place, { sketch or plan,

or

when outside any fortress, { TAKES or attempts to take, without au-
arsenal, factory, dock- { thority given by or on behalf of Her
yard or camp of Her { Majesty, any sketch or plan of such
Majesty in Canada, { fortress, etc.,

or, who,

knowingly having or controlling { at any time, wilfully and without lawful
any such document, sketch, { authority, COMMUNICATES or attempts to
plan, model or knowledge as { communicate IT to any person to whom
has been obtained by means of { it ought not in the interest of the State
any such offence, { to be, then, communicated,

or, who,

after having been entrusted in confidence by { wilfully and in breach of such
any officer of Her Majesty with any docu- { confidence, COMMUNICATES the
ment, sketch, plan, model or information { same, when in the interests
relating to any such plan as aforesaid or to { of the State it ought not to
Her Majesty's naval or military affairs, { be communicated,

or, who,

having any document relating to any { at any time wilfully COMMUNICATES
fortress etc., belonging to Her Ma- { the same to any one to whom he
jesty or to Her naval or military { knows it ought not in the inte-
affairs, in whatever manner obtained { rests of the State to be commu-
or taken, { nicated at the time,

or, who,

by means of his office under Her { and at any time, corruptly or contrary to his
Majesty, has, lawfully or un- { official duty, COMMUNICATES or attempts to
lawfully, obtained any docu- { communicate the same to any person to
ment, sketch, plan, or model, { whom it ought not in the public interest to
or acquired any information, { to be communicated at that time.

Holders of offices under Her Majesty include persons having and employees of persons having with the Government (Imperial, Canadian or Provincial), any contract involving an obligation of secrecy.

Part. V. *Unlawful assemblies, Riots, Breaches of the Peace*
(SECS. 79 to 98).

UNLAWFUL ASSEMBLIES and Riots.

An UNLAWFUL ASSEMBLY is an assembly of three or more persons, who,—

with intent to carry out any common purpo- se,—	{ assemble in such a manner, or so conduct themselves when assem- bled,	{ as to cause persons in the neighborhood of such assembly to fear that they will disturb the peace tumultuously, or will, by such assem- bly, needlessly and without any reasonable occasion, provoke others to disturb the peace tumultuously.
--	--	---

PERSONS LAWFULLY ASSEMBLED,

may become an unlawful as- sembly,	{ by conducting themselves with a common purpose in such a manner as would have made their assembling unlawful if they had assembled in that manner for that purpose.
--	--

An assembly of three or more persons,	{ to protect the house of one of their number against persons threatening to break and enter it in order to commit any indictable offence therein,	{ is not unlaw- ful.
---	---	-------------------------

A RIOT is an unlawful assembly,	{ which has begun to disturb the peace tumultu- ously.
------------------------------------	---

Every member of an UNLAWFUL ASSEMBLY, and EVERY RIOTER,	{ is guilty of an INDICTABLE OFFENCE.
---	--

Reading the Riot Act.

It is the DUTY of EVERY SHERIFF, mayor or other head officer and justice of the peace of a county, city or town, having notice of twelve or more persons being riot- ously assembled together within his jurisdiction,	{ to RESORT to and READ openly and loudly, at the scene thereof, a pro- clamation, in the Queen's name, commanding such persons to dis- perse, on pain of imprisonment for life,
--	---

ALL PERSONS are guilty of an INDICTABLE OFFENCE,

who,

with force and arms,	{ wilfully OPPOSE hinder or hurt any one who begins or is about to make the proclamation, whereby it is not made,
-------------------------	---

or who

CONTINUE TOGETHER, to the number of twelve,	{ for thirty minutes after it is made, or, if they know that its making was hindered within thirty minutes after such hindrance.
---	--

Reading the Riot Act, { It is the DUTY
 Of every such sheriff, etc., and of all persons required by them to assist } to CAUSE the persons riotously assembled to be apprehended and carried before a justice of the peace, { if they or twelve or more of them continue together and do not disperse for the space of thirty minutes after the proclamation is made or after its hindrance,
 And if any of the assembled persons is killed, or hurt in apprehending or trying to apprehend or disperse them, by reason of their resistance, every person ordering their apprehension or dispersal and every person executing such orders is indemnified against all proceedings in respect thereof.

Riotous Damage. { All persons RIOTOUSLY ASSEMBLED are guilty of an INDICTABLE OFFENCE,
 who, unlawfully, and with force, DEMOLISH or pull down, or begin to demolish or pull down { any buildings or machinery, fixed or moveable, or any erection used in farming or in carrying on any trade or manufacture or the business of any mine or any bridge, wagon or track for conveying minerals from any mine.
 or
 who, unlawfully, and with force, INJURE OR DAMAGE,
 It is NO DEFENCE that the offender believed he had a right to act as he did, unless he had such right.

The Governor-General may, { PROHIBIT training or drilling in the use of arms, by proclamation, { etc.,

And EVERY ONE who contravenes } such proclamation, { is guilty of an INDICTABLE OFFENCE.

Foreble Entry. { EVERY ONE commits the INDICTABLE OFFENCE,
 of FORCIBLE ENTRY, { who, whether entitled or not, ENTERS on land in a manner likely to cause a breach of the peace or reasonable apprehension thereof,
 or
 of FORCIBLE DETAINER { who, being in actual possession of land, without color of right DETAINS it against a person entitled by law to its possession,

Affrays. { An AFFRAY is { in any public street or highway or in the act of fighting, { any other place to which the public have access, } to the alarm of the public,
 And EVERY ONE is guilty of { an INDICTABLE OFFENCE, } who takes part in an affray,

And so is EVERY ONE,
 who CHALLENGES or
 who endeavors, by any means, to PROVOKE, } any person to fight a duel,
 or
 who endeavors to provoke any person to challenge any other person to do so.

A PRIZE FIGHT is

An ENCOUNTER or fight, } between two persons who have met for such pur-
 with fists or hands, } pose by prior arrangement made by or for them.

EVERY ONE commits a SUMMARY OFFENCE,

who SENDS or publishes or causes to be sent or
 published or otherwise made known, } a CHALLENGE to FIGHT a
 or } prize-fight,

who ACCEPTS or causes to be accepted

or

who goes into TRAINING preparatory to

or

who acts as TRAINER to any person who intends to engage in

or

who engages as a PRINCIPAL in

or

who is present, as an AID, second, surgeon, umpire, backer,
 assistant or reporter at

or

who, being an inhabitant or resident of Canada, leaves
 Canada with intent to engage, outside of Canada, in

a PRIZE-FIGHT.

EVERY ONE is guilty of an INDICTABLE OFFENCE, who INCITES any three or
 more Indians, non-treaty Indians or half breeds, apparently acting
 in concert,
 (1) to make any demand of any Government agent or servant,
 in a riotous manner, or in a manner } calculated to
 or } cause a
 (2) to do any act } breach of
 the peace.

Part VI. Unlawful use and possession of explosive substances and offensive weapons.—Sale of liquors (SECS. 79 to 119).

EVERY ONE is guilty of an INDICTABLE OFFENCE, who, wilfully,

CAUSES, by any explosive substance, { an EXPLOSION likely to endanger life or to seriously injure, { whether any injury is actually caused or not.

or

does any act, with intent, to cause { by an explosive substance, } any such explosion,
or
conspires to cause,

or

MAKES, or possesses, or controls { any explosive substance, { WITH INTENT, by means thereof, } whether any explosion occurs or not, and whether any injury is caused or not,
or to enable any other person, }
by means thereof, to endanger life or seriously injure property,

or

who MAKES or knowingly possesses or controls any explosive substance,

under circumstances raising a reasonable suspicion that he does not make, possess or control it for a lawful object, { unless he can shew that he made or possessed or controlled it for a lawful object.

or

who HAS or CARRIES any offensive weapon { for any purpose dangerous to the public peace
or
who is FOUND with GOODS LIABLE TO SEIZURE or forfeiture under any Inland Revenue or Customs law, knowing them to be so liable, { and CARRYING offensive weapons

Offensive Weapons.

It is a SUMMARY OFFENCE

For TWO or more persons { in a public place, in a manner and under circumstances calculated to cause terror and alarm
to OPENLY CARRY OFFENSIVE WEAPONS,

or

For a CIVILIAN,

who has no certificate of exemption and who is not in reasonable fear of injury to his person, family or property, { to HAVE on his person A PISTOL or air-gun, elsewhere, than in his dwelling house, shop, warehouse, or counting house.

Upon being shewn sufficient cause { a justice may grant to an applicant (not under 16), of discretion and good character, a certificate of exemption upon oath, { from this law for 12 months.

EVERY ONE is guilty of a SUMMARY OFFENCE

who SELLS or gives, to a minor under 16, { ANY PISTOL or air-gun, or any ammunition therefor, } unless he establishes that he personally used diligence to ascertain the minor's age and had good reason to believe him to be not under 16.

or

who sells any pistol or air-gun ; } without keeping a record of such sale, with details.

or

who, when arrested,

or

who, with intent therewith unlawfully to injure any other person } has, upon his person, a pistol or air-gun ;

or

who, without lawful excuse, } POINTS at } any FIRE ARM or air-gun, whether loaded or unloaded ;

or

who CARRIES about his person } any BOWIE KNIFE, dagger, dirk, metal knuckles, skull crackers, slung shot or other such like offensive weapons ;

or

who SECRETLY CARRIES about his person } any instrument LOADED at the end ;

or

who SELLS or exposes for sale, } publicly or privately, } any such weapon ;

or

who, being masked or disguised, CARRIES, } or has in his possession, } any fire-arm or air-gun ;

or

who, not being thereto required by his lawful trade or calling,

is FOUND, in any town or city, } CARRYING, about his person, any sheath-knife.

It is NOT an offence

for any soldier, public officer, peace officer, sailor or volunteer in Her Majesty's service, constable, or other policeman, } to CARRY WEAPONS in the discharge of his duty.

EVERY ONE is guilty of an INDICTABLE OFFENCE

PUBLIC WORKS, ETC.	who contravenes	the provisions of the <i>North West Territories Act</i>	}	against the possession or sale etc., of any improved arm or ammunition in the Territories
		or		
		the provisions of the <i>Act respecting the Preservation of the Peace in the Vicinity of Public Works</i> ,	}	against the possession, etc., of weapons by employees on any Public Work, and against the sale or possession, etc., of intoxicating liquors within certain limits. (1)
or				
INTOXICATING LIQUORS.		who, without the previous consent of the commanding officer,	}	any INTOXICATING LIQUOR.
		(a) CONVEYS on board any of Her Majesty's ships		
		or		
		(b) approaches or HOVERS about for the purpose of conveying on board thereof,		
		or		
		(c) GIVES or sells to any man in Her Majesty's service on board such ship.		

Part VII.—Seditious Offences.—(Secs. 120 to 126).

UNLAWFUL OATHS.		EVERY ONE is guilty of an INDICTABLE OFFENCE.		
		any OATH or engagement purporting to bind the person taking it.		to commit any crime punishable with death or by more than 5 years imprisonment
			or	(1) to engage in any mutinous or seditious purpose, (2) to disturb the public peace or commit or endeavor to commit any offence, (3) not to inform nor give evidence against any associate confederate or other person, (4) not to reveal any unlawful combination or confederacy or any illegal act done or to be done or any illegal oath or obligation or engagement administered tendered to or taken by any person, or the import of any such oath obligation or engagement.
			(a) who ADMINISTERS or is present at, or consenting to the administration of	
			or	
			(b) who ATTEMPTS to induce or compel any person to take	
			or	
			(c) who TAKES.	

⁽¹⁾ These provisions do not extend to any licensed distiller or brewer selling intoxicating liquor by wholesale.

{ Any one who,—under such compulsion as would otherwise excuse him,—
offends against the above, shall not be excused, UNLESS,—

{ within fourteen days after he, by information on oath before a justice of
taking the oath or within the peace, declares the same and what he
eight days from the cessa- knows touching it and the persons by whom
tion of actual force or sick- and in whose presence such oath, etc., was
ness which hinders him,— administered or taken.

NO ONE is deemed
to have a sedi-
tious intention
only because he
intends, in good
faith,

- (a) TO SHEW that HER MAJESTY HAS BEEN MISLED or mis-
taken in Her measures, or
- (b) TO POINT OUT ERRORS or defects in the Imperial or
Canadian or any provincial government, or in either
of the Imperial or Canadian Houses of Parliament or
in any Legislature, or in the administration of justice,
or to attempt to procure by lawful means the alter-
ation of any matter in the State, or
- (c) TO POINT OUT, in order to their removal, MATTERS
PRODUCING or tending to produce HATRED and ill-will
between different classes of Her Majesty's subjects.

{ SEDITIOUS WORDS are words, }
A SEDITIOUS LIBEL is a libel, } expressive of
A SEDITIOUS CONSPIRACY is an agreement } a seditious intention.
between two or more persons to carry into
execution }

EVERY ONE is guilty of an INDICTABLE OFFENCE,

who SPEAKS any SEDITIOUS WORDS,

or

who PUBLISHES any SEDITIOUS LIBEL,

or

who is a PARTY to any SEDITIOUS CONSPIRACY,

or

{ who,—without }
lawful justi- } PUBLISHES, against any foreign potentate, ANY LIBEL tending
fication,— } to degrade him in the estimation of his people,

or

{ who,—wilfully and }
knowingly,— } PUBLISHES any } occasioning or likely to occasion mischief
FALSE NEWS } to any public interest.

Part VIII.—Piracy.—(Secs. 127 to 130).

Piracy.	{ EVERY ONE who does any act amounting to piracy by the law of nations or any of the pirati- cal acts enumerat- ed in sec. 128. }	{ commits an INDICTA- BLE OFFENCE. }	{ punishable by life imprisonment and punishable with DEATH, if, in committing or attempting to commit the same, the offender murders or attempts to murder or assaults with intent to murder or wounds any person, or does any act likely to endanger the life of any person. }
			{ EVERY MASTER, officer or seaman of any MERCHANT SHIP, carrying guns and arms, is guilty of an INDICTABLE OFFENCE, who DOES NOT,—when attacked by any pirate,— FIGHT, and try to defend himself and his ship from being taken by such pirate, or who DISCOURAGES others from defending the ship. } if, by reason there- of, the ship falls into such pirate's hands ⁽¹⁾ .

(¹) In addition to punishment by imprisonment, the offender is liable to forfeit to the owner of the ship all wages due to him.

TITLE III.

Offences against the Administration of Law and Justice.

Part IX.—Corruption and Disobedience.—(Secs. 131 to 144).

EVERY ONE is guilty of an INDICTABLE OFFENCE

- Corruption of Judges, etc.**
- (a) who, holding any judicial office, or being a member of Parliament or of a Legislature, **CORRUPTLY ACCEPTS** or obtains or agrees to accept or attempts to obtain ANY BRIBE,
 - or
 - (b) who **CORRUPTLY GIVES** or offers any SUCH BRIBE,
 - or
 - (a) who, being a justice of the peace or public officer employed in prosecuting or detecting or punishing offenders, **CORRUPTLY ACCEPTS** or obtains or agrees to accept or attempts to obtain ANY BRIBE, { with intent to interfere with the due administration of justice or to help crime or protect any one from detection or punishment,
 - or
 - (b) who corruptly gives or offers ANY such BRIBE, { with any such intent.
 - or
- Frauds upon the Government.**
- (a) who **OFFERS OR GIVES** ANYTHING, directly or indirectly, TO ANY GOVERNMENT OFFICIAL, &c., { with intent to GET HIS ASSISTANCE or influence to promote the procuring of any Government contract or its execution or payment, or any aid or subsidy in respect thereof,
 - or
 - (b) who, being a Government official, etc., { directly or indirectly **ACCEPTS** or agrees to accept or allows to be accepted any such offer, etc.,
 - or
 - (c) who, on tenders being called for Government work, etc., directly or indirectly, with intent to obtain { to induce him to withdraw his the contract therefor, **GIVES** or **OFFERS** ANYTHING to or for any tenderer, { tender, or to compensate him for having done so.
 - or
 - (d) who, having so tendered, **ACCEPTS** or receives { FOR WITHDRAWING such or allows to be accepted or received ANYTHING { tender or for having done so.
 - or
 - (e) who, being a Government official, etc., { directly or indirectly, { for **ASSISTING** or favoring any one in any business with the Government, { **RECEIVES ANYTHING**
 - or
 - who **GIVES** or offers any such gift, etc.,

Frauds upon the Government.

- or
- (f) who, by reason of or under pretence of having Government influence, DEMANDS, exacts or receives, from any } ANY REWARD, etc., for PROCURING, from the Government, the PAYMENT OF ANY CLAIM OR ANY ONE'S APPOINTMENT to any office, etc., or any grant, etc.,
- or
- who OFFERS, promises or pays to such person ANY such REWARD, etc.,
- or
- (g) who, having any dealings with the Government, pays any commission or reward,
- or
- within a year before or after such dealings, without } to any Government express, written permission of the head of the department, makes any gift, etc., } employee, official, etc.,
- or
- (h) who, being a Government employee or officer, } demands, exacts or receives } any such gift, etc., } or, } without such written permission as aforesaid, accepts or receives }
- or
- (i) who, having any Government contract and any claim by reason of it, SUBSCRIBES, furnishes, } ANY MONEY, etc., to promote the election of any candidate to parliament, etc., or to influence any election. }

EVERY PERSON convicted of any of the foregoing is incapable of holding any Government contract or office.

{ Every PUBLIC OFFICER commits an INDICTABLE OFFENCE.

{ who,—in the discharge of } COMMITS any FRAUD or breach of trust AFFECTING the duties of his office,— } the PUBLIC.

Municipal Corruption.

{ It is an INDICTABLE OFFENCE,

- for ANY ONE to directly or indirectly BRIBE or offer to bribe any member or officer of a municipal council, } for the purpose {
- (a) of inducing such member, } to vote or abstain from voting in council or committee for or against any measure, etc., or
- (b) of inducing such member or officer, } to aid or prevent any vote or the grant of any contract, etc., or
- (c) of inducing such officer, } to perform or abstain from performing or to aid in performing or preventing any official act;

or

for ANY MEMBER or officer of a municipal council } (d) TO ACCEPT any such BRIBE or offer of a bribe, or } to act as above in consideration thereof ;

Municipal Corruption. {
 for ANY ONE to
 ATTEMPT, by
 threat, deceit,
 etc., {
 or
 (e) to INFLUENCE any such MEMBER in giving or with
 holding his vote for or against any measure, etc., or in
 not attending any meeting of council or committee,
 or
 (f) to INFLUENCE any such MEMBER or OFFICER to aid or
 prevent any vote or the grant of any contract, etc., or to
 perform or abstain from performing or to aid in per-
 forming or preventing any official act.

EVERY ONE is guilty of an INDICTABLE OFFENCE who,

Dealing in Offices, Appointments, etc. {
 directly or indirectly. {
 (a) sells or agree to sell { any appointment to or re-
 or { signation of any office,
 receives or agrees to receive any reward { or
 or profit on the sale of { any consent thereto;
 or
 (b) purchases, or gives anything for } any such appointment, resignation
 the purchase of } or consent,
 or
 agrees or promises to do so; ⁽¹⁾
 or
 (a) receives or agrees } for any interest, request or negociation about any
 to receive anything } office, or under pretence of using such interest,
 or { etc.,
 (b) gives or procures to be given any profit or reward, } for any such in-
 or makes or procures to be made any agreement for } terest, request or
 giving any profit or reward, } negociation,
 or
 (c) solicits, recommends or negotiates, in any } in expectation of any
 manner, as to any appointment to or resigna- } reward or profit,
 tion of any office, }
 or
 (a) keeps any office } for transacting or negotiating any business relating
 or place } to vacancies in, or the sale or purchase of, or ap-
 } pointment to or resignation of offices.

"Office" includes, {
 every crown office,
 and all commissions, civil, naval and military,
 and all places and employments in any public department or office what-
 ever,
 and all deputations to any such office,
 and every participation in the profits of any office or depu-
 tation.

⁽¹⁾ EVERY ONE who commits any such offence, in addition to any other penalty thereby incurred, forfeits all right in the office and is DISABLED FOR LIFE from holding the same.

EVERY ONE is guilty of an INDICTABLE OFFENCE.

Disobedience. { who, — without lawful excuse, — disobeys. { ANY DOMINION OR PROVINCIAL STATUTE, by wilfully doing what it forbids, or omitting to do what it requires,
or
ANY LAWFUL ORDER, (other than for the payment of money), OF ANY COURT, etc.

or

Neglect to suppress riot, etc. { who, being a sheriff, deputy sheriff, mayor, or other head officer, justice of the peace, etc., having notice that there is a riot within his jurisdiction, } OMITS,—without reasonable excuse,—to do HIS DUTY in SUPPRESSING such RIOT
or
who,—having reasonable notice to ASSIST any sheriff, etc., to SUPPRESS a RIOT, or to make an arrest, or to preserve the peace,— } OMITS, without reasonable excuse, to do so,

or

Misconduct of sheriffs, etc. { who,—being a sheriff, under sheriff, coroner, elisor, bailiff, constable, or other officer entrusted with the execution of any writ etc,— } wilfully MISCONDUCTS HIMSELF, in its execution, or, wilfully and, without the consent of him in whose favor the writ, etc., was issued, makes a FALSE RETURN.

or

Obstruction of officers. { who RESISTS or wilfully } any PUBLIC OFFICER in the execution of his duty, or OBSTRUCTS, } any person aiding such officer.
And EVERY ONE is guilty of a SUMMARY OFFENCE.
who RESISTS } any PEACE OFFICER in the execution of his duty, or any person aiding him, or any person lawfully executing a process
or wilfully } against lands or goods or making any lawful distress.
OBSTRUCTS, }

Part X.—Misleading Justice.—(SECS. 145 to 158).

PERJURY. { PERJURY is an ASSERTION, as to a matter of fact, opinion, belief or knowledge, MADE, by a witness,
in a JUDICIAL PROCEEDING, as part of his evidence, whether such evidence is given under oath, in open court or by affidavit or otherwise, or whether it is material or not, } he KNOWING such assertion to be FALSE, and intending it to mislead the Court, jury, or person, holding the proceeding.
EVIDENCE includes, { evidence } on the *voir dire*, and before the Grand Jury.
2. EVERY PERSON, who actually gives his evidence, IS A WITNESS, } whether competent to be one or not,
and
whether his evidence was admissible or not.

Perjury.

3. Every proceeding is JUDICIAL which is held

IN or under the authority of any COURT of JUSTICE, or before a GRAND JURY, or before the SENATE or HOUSE of COMMONS, or any committee of either of them, or

before any LEGISLATIVE COUNCIL, Legislative Assembly, or House of Assembly, or any Committee thereof,) empowered by law to administer an oath,

or

before any JUSTICE of the PEACE, or any arbitrator or umpire, or any person or body of persons,) authorised by law or by statute to make an enquiry and take evidence upon oath,

or

before any LEGAL TRIBUNAL by which any legal right or liability can be established,

or

before any PERSON acting as a COURT, justice or tribunal having power to hold such judicial proceeding,) whether duly constituted or not, and whether the proceeding is duly instituted or not before such court or person so as to authorise the holding of the proceeding, and although such proceeding was held in a wrong place or was otherwise invalid.

SUBORNATION of perjury is

counselling or procuring a person to) any PERJURY which is actually committed.

EVERY ONE is guilty of an INDICTABLE OFFENCE,

who COMMITS,) PERJURY, or SUBORNATION of perjury,

or

who, being required or authorised by law to make any statement on oath or affirmation or solemn declaration,) thereupon MAKES a statement which would be PERJURY if made in a judicial proceeding.

False Oaths.

EVERY ONE is guilty of perjury

who,—having taken or made any oath, affirmation, solemn declaration, or affidavit, where by any law it is required or permitted that facts, etc., be verified upon oath, etc.—) wilfully and corruptly upon such oath, etc., DEPOSES to or makes any FALSE STATEMENT as to any such fact, etc.,

or

who,—knowingly wilfully and corruptly,—) upon oath, affirmation, or solemn declaration, DEPOSES to or makes any statement for so verifying such facts, etc., or makes signs or subscribes any such affirmation, etc.,) the same being wholly or partly untrue,

or

who, wilfully and corruptly, MAKES,—

before a competent person in Canada,) any FALSE AFFIDAVIT, etc., for the purpose of being used in any province in Canada, but out of the province where it is to be used,

EVERY ONE is guilty of an INDICTABLE OFFENCE,

who,—upon any occasion on which he is permitted by law to make a statement or declaration before any authorised officer or notary, to be certified by him as such notary,— } makes a statement which would amount to PERJURY if made on oath in a judicial proceeding,

or

who,—with intent to mislead any court of justice or person holding a judicial proceeding,— } FABRICATES EVIDENCE by any means other than perjury or subornation of perjury

or

who CONSPIRES

to prosecute any person for any alleged offence, } knowing him to be innocent thereof.

Administering oaths without authority { And so is every JUSTICE of the PEACE or other person who ADMINISTERS or causes or allows to be administered, or receives or causes or allows to be received any OATH or affirmation } touching any matter or thing whereof he has NOT JURISDICTION or cognizance.

This does not extend to any oath or affirmation { Before a justice of the peace, in any matter touching the preservation of the peace or the prosecution, trial, or punishment of any offence, or required or authorized by any law of Canada or of the province wherein it is received or administered, or is to be used, or required or authorized by the laws of any foreign country to give validity to a writing or to evidence designed to be used in such foreign country.

Corrupting juries and witnesses { EVERY ONE is guilty of an INDICTABLE OFFENCE

who, by threats, bribes, or other corrupt means { (a) DISSUADES or attempts to dissuade any person from GIVING EVIDENCE in any cause or matter, civil or criminal, or (b) INFLUENCES or attempts to influence any JURYMAN in his conduct as such, whether sworn as a jurymen or not

or

who, (c), ACCEPTS such BRIBE, etc., to abstain from giving evidence, or on account of his conduct as a jurymen,

or

who, (d), wilfully ATTEMPTS, in any other way, to OBSTRUCT or defeat the COURSE of JUSTICE.

or

who,—having brought or under color of bringing a penal action for any penalty, COMPOUNDS such action, without order or consent of court, } whether any offence has, in fact, been committed or not

or

who, corruptly, TAKES any money or reward, directly or indirectly, under pretense or on account of HELPING to RECOVER any money, etc., which, by any indictable offence has been stolen, etc., } unless he has used all due diligence to cause the offender to be brought to trial for it.

Reward for return of stolen property.

EVERY ONE is liable to a penalty of \$250, who

- (a) publicly ADVERTISES any REWARD { for RETURN of any PROPERTY STOLEN or lost, and, in advertising, uses any words purporting that no questions will be asked, or
- (b) USES, in any public ADVERTISEMENT, { WORDS PURPORTING that a REWARD will be given for any property stolen or lost, without seizing or enquiring after the person producing it, or
- (c) PROMISES, or offers, in any public ADVERTISEMENT, to any pawn broker or other person, { for RETURN of property stolen or lost, the money lent on it or paid for it or any other money, or
- (d) PRINTS or PUBLISHES any such ADVERTISEMENT

EVERY ONE is guilty of an INDICTABLE OFFENCE,

who knowingly and wilfully { when a certificate with respect to the execution of JUDGMENT of DEATH on any person. }
 SIGNS a FALSE CERTIFICATE { or declaration is required,

Part XI.—Escapes and Rescues.—(SECS. 159 to 169).

Escapes and Rescues.

EVERY ONE is guilty of an INDICTABLE OFFENCE,

who,—while under sentence of imprisonment,— { is at large in Canada, without lawful excuse,

or
 who, knowingly, and wilfully,

ASSISTS any alien ENEMY, being a prisoner of war in Canada, { to ESCAPE from where he is detained,

or

ASSISTS any SUCH PRISONER, while at large on his parole in Canada, { to ESCAPE,

or

who, by force and violence,

BREAKS any PRISON, { with intent to set (himself or any other person confined therein) at liberty, on any criminal charge,

or

who ATTEMPTS to BREAK PRISON, or forcibly breaks out { with intent to escape of his cell, or makes any breach therein, } therefrom,

or

who, having been convicted of any offence, { ESCAPES from any lawful custody in which he may be under such conviction,

or

who, whether convicted or not, { ESCAPES from any prison in which he is lawfully confined on any criminal charge,

or

who, being in any other lawful custody on any criminal charge, { ESCAPES from such custody,

or

Escapes and Rescues.

who RESCUES any person or assists him in escaping or attempting to escape from lawful custody, (whether in prison or not),

under sen- } of death, or of imprison-
tence, } ment,
or
after conviction of and before sentence for, or while in custody on a charge of crime,

or

who,—being a peace officer and having any such person in his lawful custody, or being an officer of any prison in which any such person is lawfully confined,—

voluntarily and intentionally PERMITS him to escape therefrom,

or

who, with intent to facilitate the escape of any prisoner lawfully confined,

CONVEYS or causes to be conveyed ANYTHING into any PRISON,

or

who, knowingly and unlawfully, under color of any pretended authority,

DIRECTS or procures the DISCHARGE of any prisoner not entitled to be so discharged;

and such discharged person is held to have escaped.

TITLE IV.

Offences against Religion, Morals and Public Convenience.**Part XII.—Offences against Religion.—(SECS. 170 to 173).**

EVERY ONE is guilty of an INDICTABLE OFFENCE

Blasphemous Libel	{	who PUBLISHES any BLASPHEMOUS LIBEL.	} is a QUESTION of FACT.
		Whether any particular published matter is a blasphemous libel or not	
		No ONE is guilty of a BLASPHEMOUS LIBEL	
		for EXPRESSING, in good faith, and in decent language	
		or	
		for ATTEMPTING to establish, by arguments used in good faith and conveyed in decent language,	any opinion whatever upon any RELIGIOUS SUBJECT.

EVERY ONE commits an INDICTABLE OFFENCE

Interfering with clergyman.	{	who, by threats or force, unlawfully obstructs or prevents or endeavors to obstruct or prevent any CLERGYMAN or other minister	} in or from CELEBRATING divine SERVICE or otherwise officiating in any church, chapel, or other place of divine worship,	
				or
				in or from PERFORMING his DUTY in the lawful BURIAL of the DEAD in any church yard or other burial place.
		or		
Interfering with clergyman.	{	who STRIKES or offers any violence to, or, (on civil process or on pretence of executing a civil process), ARRESTS	} any CLERGYMAN or other minister	
				who is ENGAGED IN, or to the offender's knowledge, is about to engage in any of the above rites or duties,
				or
				who, to the offender's knowledge, is going to or returning from the performance thereof.

EVERY ONE commits a SUMMARY OFFENCE

Disturbing meetings.	{	who,—by profane discourse, by rude or indecent behaviour,	} wilfully DISTURBS, interrupts or disquiets any assemblage of persons met for religious worship or for any moral, social or benevolent purpose.
		or	
		by making a noise, either in or so near the meeting place as to disturb the order or solemnity of the meeting,	

Part XIII.—Offences against Morality.—(SECS. 174 to 190).

Buggery. { EVERY ONE is guilty of an INDICTABLE OFFENCE
 { who COMMITS or ATTEMPS } BUGGERY, { either with a human being or any other
 { to commit } { living creature.

INCEST. { EVERY PARENT and CHILD, } who cohabit or have { shall each be deemed guilty
 { every BROTHER and SIS- } sexual intercourse { of the indictable offence
 { TER, and every GRAND- } with each other { of INCEST, if aware of
 { PARENT and GRANDCHILD } { their consanguinity.

INDECENT ACTS. { EVERY ONE is guilty of a SUMMARY OFFENCE
 { who wilfully } { in presence of one } in any place to which the public have
 { does any IN- } { or more persons, } access,
 { DECENT ACT } { or
 { } { in any place, intending thereby to insult or offend any person.
 { Every MALE person is guilty of an INDICTABLE OFFENCE
 { who, in public or in private,
 { COMMITS or procures or attempts to procure } any act of GROSS INDECENCY
 { the commission, by any male person, of } with another male.

Publishing or selling obscene matter. { EVERY ONE commits an INDICTABLE OFFENCE,
 { (a) publicly SELLS, or } any OBSCENE BOOK, etc., or any
 { exposes for public sale } picture, etc., tending to cor-
 { or to public view, } rupts morals,
 { or
 { (b) publicly EXHIBITS any DISGUSTING OBJECT or any
 { indecent show,
 { or
 { (c) OFFERS to SELL, } ANY MEDICINE, drug or article in-
 { advertises, or has } tended or represented as a means
 { for sale or dis- } of PREVENTING CONCEPTION OR
 { posal, } CAUSING ABORTION.
 { No ONE shall be CONVICTED of any such offence, if he prove that the public
 { good was served by his alleged acts.
 { Whether the occasion of the sale, etc., is such as might be for
 { the public good,
 { and
 { Whether there is evidence of excess, beyond what the public
 { good requires, in the manner extent or circumstances of the
 { sale, etc., so as to afford justification or excuse therefor, }
 { but } are QUESTIONS
 { Whether there is or is not such } is a QUESTION for the JURY.
 { excess, }
 { The MOTIVES of the seller, publisher, or } are IRRELEVANT.
 { exhibitor, }

Publishing or selling
obscene matter.

{ EVERY ONE is guilty of an INDICTABLE OFFENCE who POSTS, for transmission or delivery by or through the post,

(a), (b), any OBSCENE MATTER, letter, post-card, etc.,

or

{ (c) any LETTER } concerning schemes for defrauding the public or for
or circular } obtaining money by false pretences,

or

who SEDUCES or has illicit connection with } any GIRL of previously chaste character of or above
the age of fourteen and UNDER SIXTEEN years,

or

who, under promise of marriage,

SEDUCES and has illicit connection with } any UNMARRIED FEMALE, of previously chaste
character, UNDER 21 years of age,

or

who,—being a guardian,—

SEDUCES or has illicit connection with } his ward.

or

SEDUCTION.

who SEDUCES or has illicit connection with } any FEMALE under 21, of previously
chaste character, { who is in his employ in a factory,
mill or workshop, or who, being in
a common employment with him
therein, is, as to her work, subject
to his direction,

or

who,—being the master or an officer or a seaman or other person employed
on any vessel,—

SEDUCES and has illicit connection with } any female passenger, — while
such vessel is in any water } under promise of marriage,
within the jurisdiction of the } or by threats, or by exercising
his authority, or by solicitation, or making gifts, &c

or

Defilement of females.

who PROCURES or attempts to procure } any girl or woman under 21, not
a common prostitute or of known } to have unlawful
immoral character, } carnal connection
with any person,

or

who INVEIGLES or entices } any such } for the purpose of illicit intercourse
to a place of ill-fame or } woman } or prostitution,
assignation, } or girl, }

who knowingly conceals, in such } any such woman or girl so inveigled or
house, } enticed,

OR

who PROCURES or attempts to procure any woman or girl } to become, in or out of Canada, a common prostitute, or to leave Canada or her usual place } with intent that she of abode, (not a brothel), in Ca- } shall become an inmate of a brothel,

OR

who PROCURES any woman or girl } to come to Canada } with intent that she may become from abroad } an inmate of a brothel in Canada,

OR WHO,

by threats or intimidation, } procures or attempts to procure any woman or girl } to have any unlawful carnal connection in or out of Canada,
 or
 by false pretences } procures any woman or girl,—not a common prostitute or of known immoral character,— }

OR

who APPLIES, administers to, or causes to be taken, by any woman or girl, any drug, intoxicating liquor, etc., } with intent to stupefy or over-power her, so as thereby to enable any person to have unlawful carnal connection with her,

OR

who, being the parent or guardian of any girl or woman, } procures her to have carnal connection with any man other than the procurer, or orders, is party to, permits or knowingly receives the avails of } her defilement seduction or prostitution,

OR

who, being the owner and occupier of any premises, or having or acting or assisting in the management or control thereof, } INDUCES or knowingly SUFFERS any girl under the age of sixteen years } to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man,

OR

who conspires } by false pretences or false representations, or other fraudulent means, } to induce any woman to commit adultery or fornication,

OR

who, unlawfully and CAR- } any FEMALE IDIOT or } under circumstances shewing that he knew her to be so,
 NALLY KNOWS or attempts to carnally know } imbecile, insane or } deaf and dumb female,

OR

who, being the keeper of any house, tent or wigwam, } allows or suffers any unfranchised Indian woman to be or remain in such house, etc., } knowing or having probable cause for knowing she is or remains there to prostitute herself therein,

Defilement of females	{	or	}	PROSTITUTES herself therein,
		who, being an Indian woman,		
	{	or	}	A DISORDERLY HOUSE, tent or wigwam used for any such purpose.
		who, being an unenfranchised Indian woman,		

Part XIV.—Nuisances.—(SECS. 191 to 206).

Nuisances.	{	A COMMON NUISANCE is		
		an UNLAWFUL ACT, or an OMISSION to discharge a legal duty,	}	which ENDANGERS the lives, safety, health, property or comfort of the public, or by which the public are OBSTRUCTED in the exercise of any right common to all Her Majesty's subjects.
	{	EVERY ONE is guilty of an INDICTABLE OFFENCE		
		who COMMITS any common NUISANCE,	}	which (ENDANGERS the lives safety or health of the public, or OCCASIONS injury to the person of any individual.
Any other common nuisance is NOT an indictable offence.				
	{	EVERY ONE is guilty of an INDICTABLE OFFENCE, who		
		knowingly and wilfully EXPOSES for SALE, or HAS in his possession with intent to sell	}	for HUMAN FOOD { ARTICLES which he knows to be UNFIT for HUMAN FOOD.

Disorderly Houses.	{	A common BAWDY HOUSE is		
		a HOUSE, room, set of rooms or place of any kind,	}	KEPT for purposes of PROSTITUTION.
	{	A common GAMING HOUSE is		
		a HOUSE, room or place,	}	
	{	(a) KEPT, by any person for gain,		}
		or		
	{	(b) KEPT or used for playing therein at any game of chance or mixed game of chance and skill,	}	1, in which a bank is kept by one or more of the players exclusively of the others, or
				2, in which any game is played the chances of which are not alike favorable to all the players including among the players the banker or other person by whom the game is managed or against whom the game is managed or against whom the other players stake, play or bet,

although part only of such game is played there, and any other part is played elsewhere in or out of Canada, and although the stake or any money, valuable or property depending on the game is elsewhere, in or out of Canada.

A COMMON BETTING HOUSE is

A HOUSE, office, room or place KEPT for the purpose

- (a) of BETTING between persons resorting thereto and
- 1, the owner, occupier or keeper thereof,
 - 2, any person using the same,
 - 3, any person procured or employed by or acting for or on behalf of any such person,
 - 4, any person having the care or management, or, in any manner, conducting the business thereof,

or

- (b) of any money or valuable thing being received by or on behalf of such person as the consideration,
- 1, for any assurance or undertaking, express or implied, to pay or give, thereafter, any money or valuable on any event or contingency of or relating to any horse race or other race, fight, game or sport, or
 - 2, for securing the paying or giving by some other person of any money or valuable on any such event or contingency,

or

- (c) of recording or registering bets on any contingency or event, horse race or other race, etc., or of receiving money or other valuables to be transmitted to be wagered on any such contingency or event, horse race, etc.,
- whether any such bet is there recorded or any money, etc., is there received for transmission or not,

or

- (d) of facilitating or managing or assisting in making bets on any such contingency or event, horse race, etc., by announcing the betting upon or displaying the results of horse races, etc., or in any other manner,
- whether such contingency, event, horse race, etc., occurs in Canada or elsewhere.

EVERY ONE is guilty of an INDICTABLE OFFENCE,

who KEEPS { any COM-BAWDY HOUSE, GAMING HOUSE, or BETTING
MON HOUSE.

ANY ONE

who appears, acts, or behaves } as MASTER or MISTRESS, or as the person having the care, government or management } of any DISORDERLY HOUSE,

is deemed the KEEPER thereof.

EVERY ONE is guilty of a SUMMARY OFFENCE,

who PLAYS, or LOOKS ON at any others playing } in a common gaming house,

or who

- (a) wilfully PREVENTS, or (b) OBSTRUCTS or DELAYS, or (d) USES ANY MEANS to prevent, obstruct or delay } any duly authorised CONSTABLE or other officer from or in ENTERING } any DISORDERLY HOUSE.

or

- (c) by any bolt, chain or other contrivance, SECURES ANY DOOR of or other means of access to }

Gaming in Stocks.

EVERY ONE is guilty of an INDICTABLE OFFENCE, who,

with intent to make gain or profit by the rise or fall in price	of any stock or of any goods,	MAKES or authorises any oral or written CONTRACT for the sale or purchase of any stock or goods,	without intending to acquire or sell them, or in respect of which no delivery is made, re- ceived or intended.

EVERY OFFICE } wherein is carried on the business of making } is a COM-
or place of } or procuring or negotiating or bargaining } MON GAMING
business, } for such contracts, } HOUSE,
and

EVERY ONE who, as principal or agent, occupies } is a KEEPER of a COMMON
uses or manages or maintains the same, } GAMING HOUSE.

EVERY ONE is guilty of an INDICTABLE OFFENCE,

who habitually FREQUENTS } any such office or place as
above.

Gaming in Public Conveyances.

EVERY ONE commits an INDICTABLE OFFENCE,

(a) who, in any railway car or steam- boat used as a public conveyance for passengers,	obtains, from any other person, any money or property,	by any game of cards, etc.,

or

(b) who attempts to commit any such offence,	by actually engaging any person in any such game, with intent to obtain anything from him.

RAILWAY CONDUCTORS, steamboat officials, and station and land- ing place officials,	MUST,—on pain of being guilty of a sum- mary offence,—ARREST and prosecute persons believed to have committed or attempted any such offence.

A copy of this section must be posted up in railway cars and steam- boats,	on pain of the railway company, etc., being guilty of a summary of- fence.

Registering Bets and Pool selling.

EVERY ONE is guilty of an INDICTABLE OFFENCE,

(a) who USES, or, knowingly, allows any part of any pre- mises under his control to be used or	for the purpose of RECORDING or registering any BET or wager or selling any pool.

(b) KEEPS, exhibits or employs, or knowingly allows to be kept, etc., in any part of any premises, under his control, any DEVICE or APPARATUS or	

(c) BECOMES the CUSTODIAN or depository of any MONEY, property or valuable thing, or	STAKED wagered or pledged,

(d) RECORDS or registers any BET or wager, or SELLS any POOL upon the result	1, of any political or municipal ELECTION,
	2, of any RACE,
	3, of any CONTEST or trial of skill or endurance of man or beast

Registering Bets and Pool selling.

The provisions of this section do not extend to any person by his becoming the custodian or depositary of any money, etc., staked to be paid to the winner of any lawful race, sport, game or exercise,
or
to the owner of any horse engaged in any lawful race,
or
to bets { between individuals, or made on the race } during the race
 { course of an incorporated association, } meeting.

EVERY ONE is guilty of an INDICTABLE OFFENCE who,

- (a) makes, prints, advertises } any proposal scheme or plan for advancing,
or publishes, or causes or } giving, selling or disposing of any property
procures to be made, print- } by lots, cards or tickets, or any mode of
ed, etc., } chance,
or
(b) sells, barter, exchanges, or otherwise disposes of or causes } any such
or procures or aids or assists in the sale, etc., of, or offers for } lot, card,
sale, etc } ticket, etc.,
or
(c) conducts or manages } for determining who or the holders of what lots,
any scheme contrivance } tickets, numbers or chances are the winners of
or operation of any } any property so proposed to be advanced, loaned,
kind, } given, sold or disposed of.

EVERY ONE commits a SUMMARY OFFENCE,

who buys, takes } any such lot, ticket or other device.
or receives }

3. Every sale, etc., of any property by any lottery, ticket, etc., is VOID : and such property is liable to be forfeited.

4. No such forfeiture affects a BONA FIDE title acquired for valuable consideration, without notice.

5. This section includes FOREIGN lotteries.

6. This section does not apply to

- (a) the division by chance of joint property among its joint owners, or
(b) raffles for small prizes at any charitable bazaar held by civic or municipal permission, or
(c) any distribution, by lot, among the members or ticket holders of any incorporated art society, of paintings, etc., produced by the labors of the members of or published by such society, or
(d) the Credit Foncier du Bas-Canada, or the Credit Foncier Franco-Canadien.

EVERY ONE is guilty of an INDICTABLE OFFENCE,

who, without law- } NEGLECTS to perform any duty as to the burial of dead
ful excuse, } human remains,
or

who, improperly or indecently INTERFERES with } any DEAD human remains,
or offers any indignity to } whether buried or not.

LOTTERIES

Dead Bodies.

Part XV.—Vagrancy.—(SECS. 207 to 208).

EVERY ONE is a loose, idle or disorderly person or VAGRANT and is guilty of a SUMMARY OFFENCE,

who,—

(a) not having any visible means of } maintaining himself, } LIVES without employment,

or

(b) being able to work, and, thereby, or by other } wilfully REFUSES or } means, to maintain himself and family, } neglects to do so,

or

(c) openly EXPOSES or exhibits, in any street, road, high- } any INDECENT } way or public place, } EXHIBITION.

or

(d) without a certificate of a priest, clergyman, etc., } BEGS or receives alms, } of being worthy of charity,

or

(e) LOITERS on a street and } by standing across the footpath or by using } obstructs passengers, } insulting language, or in any other way,

or

(f) CAUSES in or near } a DISTURBANCE, by screaming, swearing or singing, or } any street, etc., } by being drunk, or by impeding or incommoding } peaceable passengers,

or

(g) wantonly DISTURBS the PEACE and } by discharging firearms, or by riotous } quiet of the inmates of any dwelling- } or disorderly conduct in any street, } house near any street, etc., } etc.,

or

(h) TEARS DOWN or defaces SIGNS,

BREAKS WINDOWS or doors or doorplates or the walls of houses, roads or gardens, or DESTROYS FENCES,

or

(i), being a common PROSTITUTE or night walker,

WANDERS in the fields, public } and does not give a satisfactory account of } streets, etc., } herself,

or

(j) is a KEEPER } a BAWDY HOUSE or house of illfame or house for the resort } or inmate of } of prostitutes,

or

(k) FREQUENTS } and does not give a satisfactory account of himself or } such houses, } herself,

or

(l) having no peaceable profession } for the most part SUPPORTS himself by } or calling to maintain himself by, } GAMING or crime or by the avails of } prostitution.

VAGRANCY.

TITLE V.

Offences against the person and reputation.

Part XVI.—Duties tending to the preservation of life.—(SECS. 209 to 217).

Necessaries of Life.	EVERY ONE having charge of a person unable to withdraw from such charge and unable to provide his own necessaries of life,	and	is under a LEGAL DUTY to supply such person with such necessaries,	and is criminally RESPONSIBLE for omitting, without lawful excuse, to perform such duty,	if the death of such person or servant or apprentice or child or wife is caused, or if his or her life is endangered, or his or her health is or has been or is likely to be permanently injured by such omission.
	EVERY ONE, who, as master or mistress, has contracted to provide necessary food, clothing, or lodging for any servant or apprentice under 16,		is under a LEGAL DUTY to provide the same,		
	EVERY ONE, who, as parent or guardian or head of a family, is under a legal duty to provide necessaries of life for any child under 16,		is criminally RESPONSIBLE for omitting, without lawful excuse to do so, while such child remains a member of his or her household,		
	EVERY ONE under a legal duty to provide necessaries for his wife,		is criminally RESPONSIBLE for omitting without lawful excuse so to do,		
Criminal Omissions and Negligence.	EVERY ONE, who undertakes, (except in case of necessity), to administer surgical or medical treatment or to do any other lawful act involving danger to life,		is under a LEGAL DUTY to have and to use reasonable KNOWLEDGE, skill and care in doing such act,	and is criminally RESPONSIBLE for omitting, without lawful excuse, to discharge that duty, if death is caused by such omission.	
	EVERY ONE, who has anything, — animate or inanimate, — in his charge or control, or who erects or maintains anything which, in the absence of precautions or care, may endanger life,	and	is under a LEGAL DUTY to take reasonable precautions against and to use reasonable care to avoid such danger,	and is criminally RESPONSIBLE for the consequences of omitting, without lawful excuse, to perform such duty.	
	Every one who undertakes to do any act, the omission to do which is, or may be dangerous to life,		is under a LEGAL duty to do that act,		
	EVERY ONE is guilty of an INDICTABLE OFFENCE who, being bound to perform any of the above specified duties,		NEGLECTS or refuses, without lawful excuse, to do so ⁽¹⁾ .		

(1) If the offence amounts to culpable homicide, it is punishable as such.

or

who unlawfully ABANDONS or EXPOSES

any CHILD under the age of } whereby its life is endangered, or its health is
two years, or } permanently injured,

who, being legally liable, as master or mistress, to provide for any apprentice or servant,

unlawfully DOES or causes to be done } so that such apprentice's or servant's
any BODILY HARM to such AP- } life is endangered, or his or her
PRENTICE or servant, } health has been or is likely to be
permanently injured.

Part. XVII.—Homicide.—(SECS. 218 to 226).

HOMICIDE is
 { the KILLING of a HUMAN } directly or indirectly, by any means whatsoever.
 BEING by another,
 A CHILD becomes a HUMAN BEING
 { when it has completely proceeded, } whether it has breathed or not, whether it
 in a living state, from the body } has an independent circulation or not,
 of its mother, } and whether the navel string is severed or not.
 The killing of such child is homicide, when it dies in consequence of injuries received before, during, or after birth.

Culpable and non culpable
 Homicide.
 { HOMICIDE may be } CULPABLE, or NON-CULPABLE,
 { HOMICIDE is } either by an UNLAWFUL ACT, or by an OMISSION, without
 CULPABLE when } lawful excuse, to perform or observe any LEGAL DUTY,
 it consists in } or by both combined, or by CAUSING A PERSON, by threats
 the killing of } or fear of violence, or by deception, to DO AN ACT
 any person, } which CAUSES that person's DEATH, or by wilfully
 FRIGHTENING A CHILD or SICK PERSON.
 { CULPABLE HOMICIDE } is either { MURDER OR
 MANSLAUGHTER.
 { HOMICIDE which is NOT } is not an offense.
 CULPABLE,

PROCURING, by false evidence, the CONVICTION and } IS NOT HOMICIDE.
 DEATH of any person by the sentence of the law,

NO ONE is criminally responsible } unless the death take place within a year
 for the killing of another, } and a day of the cause of death.

NO ONE is criminally } by any INFLUENCE on the MIND, } save, in either case,
 responsible for kill- } or } wilfully fright-
 ing another, } by any DISORDER or disease arising } ening a child or
 from such influence, } sick person.

EVERY ONE who, by any act or omission, CAUSES the DEATH of another, } KILLS that person although the effect of the bodily injury caused be merely to ACCELERATE such other person's death while laboring under disorder or disease arising from some other cause,

or

although death from that cause might have been prevented by resorting to proper means.

EVERY ONE who CAUSES, to a person, a BODILY INJURY, of a dangerous nature from which death results, } KILLS that person, { although the immediate cause of death be treatment, proper or improper, applied in good faith.

Part XVIII. - *Murder, Manslaughter, etc.*—(SECS. 227 to 240.)

CULPABLE HOMICIDE is MURDER

MURDER. { If the offender means to cause

(a) the death of the person killed,

(b) to the person killed any bodily injury known to the offender to be likely to cause death, and is reckless whether death ensues or not,

(c) death or such bodily injury, as aforesaid, recklessly, as aforesaid, } to one person, and, by mistake, kills another, though he does not mean to hurt the person killed ;

(d) If the offender, for any unlawful object, does an act which he knows or ought to have known to be likely to cause death, and thereby kills any person, } though he may have desired that his object should be effected without hurting any one.

CULPABLE HOMICIDE is also MURDER, whether the offender means or not death to ensue or knows or not that death is likely to ensue,

MURDER. { (a) if he MEANS TO INFLICT GRIEVOUS BODILY INJURY } for the purpose of facilitating { the commission of treason or other offences against the Queen's authority, or piracy, or escape or rescue, resisting lawful apprehension, murder, rape, forcible abduction, robbery, burglary or arson, or the flight of the offender upon the commission or attempted commission thereof, } and DEATH EN- SUES there- from.

(b) if he administers any stupefying or overpowering thing, or

(c) if he, by any means, wilfully stops the breath of any person, } for either of the purposes aforesaid,

CULPABLE HOMICIDE which would otherwise be MURDER

may be reduced to } if the person causing death does so in the heat of passion } MANSLAUGHTER, } caused by sudden provocation.

Any WRONGFUL ACT or INSULT

PROVOCATION. { of a nature to deprive an ordinary person of self control } may be PRO- VOCATION, { if the offender acts upon it suddenly before there has been time for the passion to cool.

MANS LAUGHTER. { **NO ONE** gives { **BY DOING WHAT** he had a right to do, or **BY DOING WHAT** the
PROVOCATION { **OFFENDER** incited him to do, so as to provide the offender
with an excuse for killing or doing bodily harm to any
person.
CULPABLE } not amounting }
HOMICIDE } to murder } is **MANS LAUGHTER.**

MURDER (1) and } are INDICTABLE OFFENCES.
MANSLAUGHTER }

Attempts to Murder. { **EVERY ONE is guilty of an INDICTABLE OFFENCE,**

who ATTEMPTS to
commit MURDER

- (a) by administering poison, etc.,
- (b) by wounding or causing grievous bodily harm,
- (c) by shooting,
- (d) by trying to drown, suffocate or strangle,
- (e) by destroying or damaging any building by an explosion,
- (f) by firing any ship or its tackle, etc., or any goods therein,
- (g) by casting away or destroying any vessel,
- (h) by any other means,

or who

THREATENS, by letter, etc., to MURDER,
OR

(a) CONSPIRES with any other person,
or
(b) COUNSELS or attempts to procure any other person,
or

} to commit MURDER.

who is an ACCESSORY after the fact to MURDER,
or who

SUICIDE. { COUNSELS or procures any person to commit SUICIDE, actually committed in consequence.
or
AIDS or abets any person in committing SUICIDE.
or
ATTEMPTS to commit SUICIDE.

Concealing Birth. { **EVERY WOMAN**, with child, and about to be delivered, is guilty of an **INDICTABLE OFFENCE**, who,

(a) with intent that the child shall not live, or, } **NEGLECTS** to provide reason-
(b) with intent to conceal the fact of having } able assistance in her de-
had a child, } livery,

if the child is permanently injured thereby, or dies just before, or during, or shortly after birth.

EVERY ONE is guilty of an **INDICTABLE OFFENCE**,

who **DISPOSES** of the **DEAD** { with intent to **CONCEAL** } whether it died before
BODY of any child, { the fact that its mother } or during, or after
was delivered of it, } birth.

(1) Murder is punishable with DEATH.

Part XIX.—*Bodily injuries and acts and omissions causing danger to the person.*—(SECS. 241 to 257).

- WOUNDING.** { EVERY ONE is guilty of an INDICTABLE OFFENCE,
 who unlawfully WOUNDS or causes }
 any grievous bodily harm to any } WITH INTENT to maim, disfigure or do
 person, or shoots at, or attempts } other grievous bodily harm, or WITH
 to discharge any loaded arms at } INTENT to resist or prevent any per-
 any person, } son's lawful apprehension or detainer,
 or
 who unlawfully WOUNDS or inflicts any grie- } with or without any weapon
 vious bodily harm upon any person, } or instrument,
 or
 WHO WILFULLY
 (a) SHOOTS at any vessel of Her Majesty, or of Canada, or
 (b) MAIMS or wounds any PUBLIC OFFICER engaged in the execution of his
 duty or any one aiding him.
 or
Attempts to choke, { (a) who ATTEMPTS TO CHOKE, suffocate or strangle, or
 etc. { to render any person insensible unconscious or inca- } with intent there-
 pable of resistance, } by to commit or
 or } assist in com-
 (b) who unlawfully ADMINISTERS or attempts to admi- } mitting any in-
 nister to any person any CHLOROFORM or other stu- } dictable offence,
 pefying drug, etc., }
 or
 who unlawfully AD- } so as to ENDANGER LIFE or inflict grievous bodily harm
 MINISTERS any } upon, or WITH INTENT to injure, aggrieve or annoy
 poison, etc. } any person.
 or who
 { unlawfully, by any } burns, maims, disfigures, disables or does any grievous
 explosion, } bodily harm to any person,
 or
EXPLOSIONS. { (a) who, unlawfully, } WITH INTENT to burn
 1, causes any explosion, } maim, disfigure or
 2, sends to any person any explosive substance, etc., } disable any person,
 3, puts or lays at any place or casts or throws at or } whether any bodily
 upon any person any corrosive fluid or any des- } harm is effected or
 tructive or explosive substance, } not,
 or
 (b) who unlawfully places or } WITH INTENT to do any bodily injury to
 throws in, into or upon against } any person, whether or not any explo-
 or near any building, ship or } sion takes place, and whether or not
 vessel, any explosive sub- } any bodily injury is effected,
 stance, }

or

Spring guns, { who sets or places any spring-gun, } WITH INTENT to destroy or inflict
 { mantrap, or other engine calculated } grievous bodily harm upon any
 { to destroy human life or inflict } trespasser or other person coming
 { grievous bodily harm, } in contact therewith,

or

Injuring persons on Railways. { (a) who, unlawfully,
 1, puts or throws anything on or across any railway,
 2, takes up, removes or displaces any railway rail,
 switch, etc., or injures or destroys any railway track,
 bridge or fence,
 3, turns, moves or diverts any railway point, etc.,
 4, makes, or shows, hides, or removes any railway signal
 or light,
 5, does or causes any other matter or thing, } with INTENT to in-
 jure or to en-
 danger the safe-
 ty of any person
 travelling or
 being upon such
 railway,

or

Injuring persons on Railways. { (b) who, unlawfully, throws, etc., at } with INTENT to injure or endanger the
 { any railway engine, tender, carriage } safety of any person upon such en-
 { or truck in motion, any wood, stone } gine, etc., or any part of the train of
 { or other thing } which it forms part,

or who

Injuring persons on Railways. { by any UNLAWFUL ACT, or by } ENDANGERS the safety } or aids or assists
 { any WILFUL OMISSION or } of RAILWAY PASSEN- } therein,
 { NEGLECT OF DUTY, } GERS,

or who

Injuring persons on Railways. { by any UNLAWFUL ACT, or by NEGLIGENTLY doing } CAUSES GRIEVOUS BODILY
 { or omitting to do any act which it is his duty } INJURY to any other
 { to do, } person,

or who

Furious driving. { having charge of } does or causes any } by wanton or FURIOUS DRIVING or
 { any carriage } bodily harm to } racing or other wilful miscon-
 { or vehicle, } any person } duct, or by wilful neglect,

or

Shipwrecked persons. { (a) who PREVENTS or impedes or } any SHIPWRECKED person in his en-
 { endeavors to prevent or impede } deavor to save his life,
 or
 { (b) who, without } PREVENTS or impedes or } any person in his endeavor
 { reasonable } endeavors to prevent } to save the life of any
 { cause, } or impede } SHIPWRECKED person.

Dangerous excavations and ice-holes. { It is a SUMMARY OFFENCE.
 (a) to MAKE or cause, in the ICE on any } any HOLE or open-
 navigable or other open or public } ing dangerous to } and to leave
 water, } human life } the same
 or } } unenclosed
 (b) for the owner, manager, etc., } to have upon or in the } and un-
 of any abandoned or unused } same any EXCAVATION } guarded.
 MINE or quarry or property } dangerous to human life }
 EVERY ONE, whose duty } is guilty of } if any person loses his life by acci-
 it is to guard such } manslaughter- } dentally falling therein while
 hole, opening, etc., } ter, } it is unguarded.

Unseaworthy ships. { It is an INDICTABLE OFFENCE,
 for any one TO } TO SEA, or on a } re-
 SEND } voyage on any } gistered in
 or } of the inland } Canada,
 for the master } waters of Ca- } in such an UNSEAWORTHY state
 of the ship } nada, } that the life of any person is
 TO TAKE } } likely to be endangered there-
 by.

Part XX.—Assaults.—(SECS. 253 to 265).

Assault defined. { An ASSAULT is the act of
 Intentionally APPLYING, directly or indirectly, FORCE to the } without the
 person of another, or attempting or threatening, by any } other's consent,
 act or gesture, to apply force to the person of another, if } or, with such
 the threatener has or causes reasonable belief that he has } other's consent,
 present ability to effect his purpose, } if obtained by
 fraud.

Indecent Assaults. { EVERY ONE is guilty of an INDICTABLE OFFENCE,
 (a) who INDECENTLY ASSAULTS any female ¹
 or
 (b) who does anything to any female, } such consent being obtained by false
 by her consent, which, but for such } and fraudulent representations as
 consent, would be an indecent as- } to the nature and quality of the
 sault, } act,
 or
 who assaults any } with intent to commit sodomy,
 person, }
 or
 who, being a } indecently assaults any other male,
 male, }
 or
 who commits } which occasions actual bodily harm.
 an assault, }

(1) The consent of a child under fourteen to an act of indecency is no defence to a charge of indecent assault upon such child. (sec. 261).

or

- Aggravated Assaults. { who,
- (a) (c) assaults any person, { with intent { to commit any indictable offence or to resist his or some one else's lawful apprehension or detainer for any offence,
- or
- (b) assaults any public officer { engaged in executing his duty, or any person aiding such officer,
- or
- (d) assaults any person, { in the lawful execution of any process against lands or goods, or in making any lawful distress or seizure, or with intent to rescue any goods taken under such process, distress or seizure,
- or
- (e) on any polling day in any election, parliamentary or municipal, { assaults or beats any person, } within two miles from the poll,

or

- Kidnapping. { who, without lawful authority, forcibly SEIZES and confines or imprisons within Canada, or KIDNAPS
- { any other person { WITH INTENT to { (a) to be secretly confined or imprisoned in Canada, or cause such other person, (b) to be unlawfully sent or transported out of Canada, or against his will, (c) to be sold or captured as a slave or in any way held to service.

A COMMON ASSAULT } is either { INDICTABLE, or SUMMARY.

Part XXI.—Rape and procuring Abortion.—(SECS. 266 to 274).

- RAPE is
- the act of a man { without her consent, or
- having carnal knowledge of a woman, not his wife, { with consent { EXTORTED by threats or fear of bodily harm, or OBTAINED by personating the woman's husband, or by false and fraudulent representations as to the nature and quality of the act.
- EVERY ONE is guilty of an INDICTABLE OFFENCE,
- who COMMITS, or attempts to commit { RAPE (¹).
- or
- who CARNALLY KNOWS
- any girl under 14, not being his wife, { whether he believes her to be of or above that age or not
- or
- who ATTEMPTS to do so (²)
- Defiling children.

(¹) Rape is punishable with DEATH or imprisonment for life.

(²) Besides being punished by imprisonment, the offender may be whipped.

or
 who CAUSES the death of any child } in such a manner that he would have
 which has not become a human } been guilty of murder had the child
 being, } been born. (1)
 or

ABORTION. { who unlawfully administers to or causes to } WITH INTENT
 be taken by any woman any drug or other } to procure
 noxious thing, or unlawfully uses any ins- } her MISCAR-
 trument or other means } RIAGE,
 or } whether she is
 who unlawfully supplies or procures any drug, } WITH INTENT
 etc., or any instrument or thing knowing it } to procure
 to be intended to be used } the MISCAR-
 } RIAGE of any
 or } woman,
 who, being a woman, whether with child or not, unlaw- } WITH INTENT to
 fully administers or permits to be administered to herself } procure MIS-
 any drug, etc., or unlawfully uses or permits to be used } CARRIAGE.
 on herself any instrument, etc., }

Part XXII.—Offences against Conjugal and Parental Rights.—Bigamy.—
Abduction.—(SECS. 275 to 284).

BIGAMY is the act of a person,
 (a) who, being } goes through a form of marriage with any other person, in
 married, } any part of the world, or
 (b) who goes through a form of marriage, } with any person whom he or she
 in any part of the world, } knows to be married, or
 (c) who goes through a } with more than one person simultaneously or on the
 form of marriage, } same day.
 By going through a form of marriage,
 (a) if he or she, in good faith, and on reasonable grounds, believes his wife
 or her husband to be dead, or
 (b) if his wife or her husband has been continually absent for seven
 years, and he or she is not proved to have known that his wife or her
 husband was alive during those seven years, or
 (c) if he or she has been divorced from the bond of the first marriage, or
 (d) if the former marriage has been declared void by a court of compe-
 tent jurisdiction,
 nor
 In respect of having gone through } unless, being a British subject resi-
 a form of marriage in a place not } dent in Canada, he or she leaves
 in Canada, } Canada with intent to go through
 such form of marriage.
 EVERY ONE is guilty of an INDICTABLE OFFENCE who commits BIGAMY,
 or
 who procures a feigned or pretended } between himself and any woman,
 marriage }
 or
 who knowingly aids and assists in procuring such feigned or pretended
 marriage,

(1) No one commits an offence who by means which he, in good faith, considers necessary to preserve the life of the mother of a child, causes the death of any such child before or during its birth.

or

- | | | |
|---|---|---|
| (a) who PRACTICES, or by the rites, rules, etc., of any denomination, sect, or society, or by any form of contract, agrees or consents to practice or enter into, | } | 1, any form of POLYGAMY, |
| | | 2, any kind of conjugal union with more than one person at the same time, |
| | | 3, what, among Mormons, is known as spiritual or plural marriage |

or

POLYGAMY.

- | | | |
|--|---|---|
| who lives or cohabits, or agrees or consents to live or cohabit, | } | in conjugal union with a person married to another |
| | | or living or cohabiting with another or others in conjugal union, |

or

- | | | |
|---|---|---|
| (b) who celebrates, is a party to, or assists in any such rite, etc., | } | which purports to sanction any of the sexual relationships above mentioned, |
|---|---|---|

or

- | | | |
|--|---|---|
| (c), (d), who procures, enables, is a party to or assists, | } | in the compliance with or carrying out of any such rule or in the execution of any such contract, etc., |
|--|---|---|

or

Unlawful marriages

- | | | |
|--------------------------------|---|---|
| who, without lawful authority, | } | solemnizes or pretends to solemnize any marriage, |
|--------------------------------|---|---|

or

- | | | |
|--|---|---|
| who procures any person to solemnize any marriage, | } | knowing that such person is not lawfully authorised to solemnize such marriage, |
|--|---|---|

or

- | |
|--|
| who knowingly aids or abets such person in performing such marriage, |
|--|

or

- | | | |
|---------------------------------|---|--|
| who, being lawfully authorised, | } | knowingly and wilfully solemnizes any marriage in violation of the laws of the province in which the marriage is solemnized, |
|---------------------------------|---|--|

or

- | | | | | |
|----------------------------|---|-------------|---|-------------------|
| who TAKES away or detains, | } | against her | } | ANY WOMAN whether |
| | | will, | | married or not, |

or

ABDUCTION

- | | | | | |
|--|---|-------------------|---|--|
| (a) who, from motives of lucre, TAKES away or detains, | } | against her will, | } | ANY WOMAN of any age who has any present or future interest in any real or personal estate or who is a presumptive heiress or next of kin to any one having such interest, |
|--|---|-------------------|---|--|

or

- | | | | | |
|--|---|--------------------------------------|---|--|
| (b) who fraudulently ALLURES, takes away, or detains | } | any woman under the age of 21 years, | } | out of the possession and against the will of her father or mother or of any other person having the lawful care or charge of her, |
|--|---|--------------------------------------|---|--|

WITH INTENT to marry or carnally know her, or with intent to cause her to be married or carnally known by any other person,

ABDUCTION	{	who unlaw- fully TAKES or causes to be taken,	}	or	{	any UNMARRIED GIRL under six- teen,	}	out of the possession and against the will of her father or mother or of any other per- son having the lawful care or charge of her, ⁽¹⁾
Stealing children	{	(a) TAKES or entices away or detains ANY CHILD under fourteen, or (b) receives or harbors any such child knowing it to have been so dealt with,	}	or	{	Nothing in this section extends to any one who gets possession of any child claiming in good faith a right to its possession.	}	WITH INTENT to deprive any parent or guardian or other person having lawful charge of such child of pos- session thereof, or with intent to steal any article about or on it.

Part XXIII.—Defamatory Libel.—(SECS. 285 to 302).

A DEFAMATORY LIBEL is matter,									
published without legal justification or excuse,		{ LIKELY to INJURE the reputation of any person by exposing him to hatred contempt or ridicule, or DESIGNED to insult the person to whom it is published.							
Such matter may be expressed	{	either IN WORDS legibly marked on any substance,							
		or							
		by any OBJECT signifying such matter otherwise than by words,							
	{	and							
		either DIRECTLY, or by insinuation or irony.							
LIBEL.	{	Publishing a Libel is	{	Exhibiting it in public, or causing it to be read or seen, or shewing or delivering it or causing it to be shewn or delivered, with a view to its being read or seen by the person defamed or by any other person.					
No ONE commits an offence									
By publishing defamatory matter on the INVITATION or challenge of the person defamed thereby, nor	{	If believed to be true							
		and							
If its publication is necessary to REFUTE some other defamatory statement published by that person concerning the alleged offender,	{	if relevant to the invitation challenge or required refutation							
		and							
nor	{	if it does not, in manner or extent, exceed what is sufficient,							
By publishing any defamatory matter	{	in any JUDICIAL proceeding,							

(1) It is immaterial whether the girl is taken with her own consent or at her own suggestion or not, or whether the offender believed her of or above the age of sixteen.

nor

By publishing, to the SENATE or House } any defamatory matter contained in
 of Commons or to any Legislature, } a petition to any such Body,

nor

By publishing, by order or under the } any paper containing defamatory
 authority of any such Body, } matter,

nor

By publishing, in good faith and with } any extract from or abstract of any
 out ill-will to the person defamed, } such paper,

nor

By publishing, in good } of Parliamentary proceedings,
 faith, for the inform- } or
 ation of the public, } of the public proceedings, preliminary or final,
 a FAIR re- } heard before any court exercising judicial au-
 port } thority,

nor

by publishing, in good faith, any FAIR COMMENT upon any such proceedings,

nor

By publishing, in good faith, in a newspaper,

LIBEL.

A FAIR REPORT of the proceed- } if the publication of the matter complained
 ings of any public meeting } of is for the public benefit,—
 lawfully convened for a lawful } and
 purpose and open to the public, } if the defendant does not refuse to insert,
 nor } in the newspaper, a reasonable explana-
 tion or contradiction by the prosecutor,

By publishing } reasonably BELIEVED to be TRUE,
 any defamatory } and
 matter, } which is relevant to any subject of PUBLIC INTEREST,
 the public discussion of which is for the public benefit,

nor

By publishing } upon the PUBLIC CONDUCT of a person who takes part in
 FAIR COM- } public affairs, or
 MENTS } on any PUBLISHED BOOK or other
 literary production, or any
 composition or work of art or
 performance publicly exhib-
 ited, or any other communi-
 cation made to the public on
 any subject, } if such comments are con-
 fined to criticism on such
 book or other literary
 production composition,
 work of art, performance
 or communication,

nor

By publishing } for the purpose, in good faith, } if believed to be true, and
 defamatory } OF SEEKING REMEDY OR REDRESS } if relevant to the re-
 matter } for any wrong or grievance from } medy or redress sought,
 a person having or reasonably } and if it does not ex-
 believed to have the right or to } ceed what is reasonably
 be under obligation to afford it, } sufficient,

nor

By publishing, in ANSWER to ENQUIRIES made of him, defamatory matter

{ relating to some subject as to which the person by whom the enquiry is made has, or is reasonably believed to have an interest in knowing the truth;

} if it is published for the purpose in good faith of giving information in respect thereof to that person, and if believed to be true, and if relevant to the enquiry made, and if it does not exceed what is reasonably sufficient

nor

By publishing to another person, defamatory matter

{ for the purpose of GIVING INFORMATION to that person with respect to some subject as to which he has or is reasonably believed to have an interest in knowing the truth.

} Provided it is relevant to such subject, and is either true, or is made without ill-will to the person defamed and in the reasonable belief of its truth;

nor

By SELLING any number or part of a newspaper,

} unless he knew either that such number or part contained defamatory matter, or that defamatory matter was habitually contained in such newspaper;

nor

By SELLING any book, magazine, pamphlet, etc.,

} although it contains defamatory matter

} if, at the time of such sale, he did not know that such defamatory matter was contained therein.

The SALE, by a servant, of any book, magazine, pamphlet, etc.,

{ does not make the employer criminally responsible in respect of defamatory matter contained therein,

} unless it be proved that such employer authorised such sale knowing such book contained defamatory matter, or, in case of a periodical, that defamatory matter was habitually contained therein.

It is a DEFENCE, to an indictment or information for a defamatory libel,

{ that the publishing of the defamatory matter in the manner in which it was published

} was, at that time, for the PUBLIC BENEFIT, and that the matter itself was TRUE.

EVERY ONE is guilty of an INDICTABLE OFFENCE

who publishes or threatens to publish

or

offers to abstain from publishing

or

offers to prevent the publishing of

or

who publishes any defamatory libel

or

who publishes any defamatory libel.

{ libel
a defamatory

WITH INTENT to extort any money, or to induce any person to confer upon or procure, for any person, any appointment or office of profit or trust, or in consequence of any such money, appointment or office,

} KNOWING it to be false,

TITLE VI.

Offences against Rights of property and Rights arising out of contract and offences connected with Trade.

Part XXIV.—Theft.—(SECS. 303 to 313).

Every INANIMATE thing, the property of another, and which is or may be made moveable, { is CAPABLE } as soon as it is moveable, { of being } although made moveable so as to steal it { STOLEN, }

But nothing growing out of the earth, not exceeding 25c in value, { is capable of being } (except as herein { stolen, } after provided)

All TAME living CREATURES, { whether tame by nature, or wild } are CAPABLE of being { by nature and tamed, } STOLEN.

But tame pigeons are capable of being stolen so long only as they are in a dovecote or on their owner's land.

2. All living creatures, wild by nature, and not commonly found in Canada, in a condition of natural liberty { are CAPABLE } { if kept in confinement, of being } { not only while confined, STOLEN, } { but after escaping.

3. All other living creatures, wild by nature, { are CAPABLE of } { if kept in confinement, while confined being STOLEN, } { or while being pursued after escaping, but no longer.

4. A wild living creature { is in a state of confinement } { while in a den, cage or small enclosure, sty or tank, or while otherwise so situated that it cannot escape, and that its owner can take possession of it at pleasure.

5. Oysters and oyster brood { are CAPABLE of } { when in proprietary oyster beds, layings and fisheries sufficiently marked out, being STOLEN } { or known as property.

6. WILD creatures, in the enjoyment of their natural liberty, { are NOT capable of being stolen.

And the taking of their dead bodies { by, or by the orders of the person who killed them before they are reduced into actual possession by the owner of the land on which they died, } is NOT theft

7. Every thing { produced by or forming part of any living creature capable of being stolen } is CAPABLE of being STOLEN

Things capable of being stolen.

THEFT OR STEALING is

the act of fraudulently TAKING or converting to the use of any person

of anything capable of being stolen

with intent

(a) to deprive the owner or any person having any special property or interest therein, temporarily or absolutely, thereof, or

(b) to pledge or deposit it as security, or

(c) to part with it under a condition as to its return which the person parting with it may be unable to perform, or

(d) to deal with it so that it cannot be restored in the condition in which it was when so taken or converted.

2. The taking or conversion } although effected without secrecy or attempt
may be fraudulent, } at concealment.

3. It is immaterial

whether the thing converted } was taken for the purpose of conversion, or was, when converted, in the lawful possession of the person converting.

4. Theft is committed

when the offender MOVES the thing, or CAUSES it to move or to be moved, or BEGINS to cause it to become moveable, } WITH INTENT to steal it.

5. No FACTOR or agent } (on any goods or) for any money not greater than the
COMMITTS THEFT by } document of } amount due to him from his principal, together with the amount
pledging or giving a } title to goods } of any bill of exchange accepted
lien, } entrusted to } by him for or on account of his
him for sale or } otherwise, } principal.

6. If any SERVANT, contrary } to GIVE or to be given to any } such servant is
to the orders of his master, } horse or animal belonging } NOT, by reason
TAKES, from his possession, } to or in possession of his } thereof, guilty
any food, } master, } of theft.

EVERY ONE commits THEFT

who,—whether pretending to be the owner or not,— } any property under
secretly or openly TAKES or carries away, without } seizure or detention.
lawful authority,

Every one STEALS the creature killed

who KILLS any living creature } WITH INTENT to steal the carcase, skin, plu-
capable of being stolen, } mage or any part of such creature.

EVERY ONE commits THEFT, and is guilty of an INDICTABLE OFFENCE,

who,—

having received } fraudulently CONVERTS the
any money or } same to his own use, or
valuable secu- } fraudulently OMTS to
rity or other } ACCOUNT for or pay the
thing on terms } same or any part thereof
requiring him } or to account for or pay
to account for } such proceeds or any part
or pay it, or } thereof which he was re-
the proceeds } quired to account for or
to any other } pay;
person,—

But if part of the terms are that the money, etc., shall form an item in a debtor and creditor account, the proper entry thereof in such account is a sufficient accounting, and no fraudulent conversion thereof is deemed to have taken place,

or

Thefts by agents, attorneys, etc. { who,—
being entrusted with any power
of attorney for the sale, mortgage,
pledge or other disposition of any
property, real or personal,
whether capable of being stolen
or not,— } fraudulently SELLS, mortgages, pledges or
otherwise disposes of it or any part
thereof, or fraudulently CONVERTS the
proceeds of any sale, etc., of such pro-
perty to some purpose other than that
for which he was entrusted with such
power of attorney,

or

who, { having received any money or
or valuable security or any
power of attorney to sell any
property, real or personal,
WITH A DIRECTION that such
money or the proceeds of
such security or property
shall be applied to any pur-
pose or paid to any person
specified in such direction,— } fraudulently, — in violation of good
faith and contra-
ry to such direc-
tion,—applies to
any other purpo-
se or pays to any
other person any
of such money or
proceeds : { But where the dealing is
on such terms that the
money would, in the ab-
sence of any such direc-
tion, be properly treated
as an item in a debtor
and creditor account,
this section does not
apply, *unless such di-
rection is in writing.*

Owners, lessees, partners. { THEFT may be committed
By the OWNER of anything capable
of being stolen, } against a person having a special pro-
perty or interest in it,
or
By the latter against the former,
or
By a LESSEE against his reversioner,
or
By one of the several JOINT } of or in anything
OWNERS, tenants in com- } capable of being
mon, or partners, } stolen, } against the other persons
interested therein,
or
By the directors, } of a public company or body cor- } against such public com-
public officers } porate or of an unincorporated } pany or body corporate
or members } body or society associated to- } or unincorporated body
gether for any lawful purpose, } or society.

{ NO HUSBAND and } shall be convicted of stealing, during cohabitation, the
NO WIFE, } property of the other.

But, while LIVING APART,

either shall } if he or she fraudulently TAKES or CONVERTS anything which
be guilty } is, by law, the property of the other, in a manner which in
of theft, } any other person would amount to theft.

Every one COMMITS THEFT,

who,—

{ while a hus-
band and
wife are liv-
ing toge-
ther,— } knowingly, { (a) assists either of them in dealing with anything belonging
to the other, in a manner which would amount to theft if
they were not married,
or
(b) receives from either of them anything belonging to the
other obtained from that other by such dealing as afore-
said.

Husband and Wife.

Part XXV.—Receiving stolen goods.—(SECS. 314 to 318).

Receiving Stolen Property. { EVERY ONE is guilty of an INDICTABLE OFFENCE,
 who RECEIVES or { anything obtained by any indictable offence, or by } knowing it to
 retains in his { any act wheresoever committed, which, if com- } have been so
 possession, { mitted in Canada, would have constituted an in- } obtained,
 dictable offence,
 or
 any postal matter or any chattel, money, etc., the } knowing it to
 stealing whereof is an indictable offence, } have been stolen.

EVERY ONE is guilty of a SUMMARY OFFENCE,
 who RECEIVES } anything the stealing of which is } knowing it to be unlaw-
 or retains } punishable summarily, } fully obtained.

The ACT of RECEIVING anything unlawfully obtained,
 is COMPLETE as } either EXCLUSIVELY, or joint- } possession of or control over
 soon as the of- } ly with the thief or any } such thing, or aids in conceal-
 fender has, } other person, } ing or disposing of it.

When the thing unlawfully obtained } a subsequent re- { although the recei-
 has been restored to the owner, or } ceiving there- { ver may know
 when a legal title to the thing has } of is no offen- { that it had pre-
 been acquired by any person, } ce, { viously been dis-
 } } honestly obtain-
 } } ed.

Part XXVI.—Theft and offences resembling theft committed by particular persons in respect of particular things in particular places.—(SECS. 319 to 357).

Each of the following is guilty of an INDICTABLE OFFENCE, namely :

A CLERK or } who steals anything belonging to or in possession of his
 SERVANT } employer ;

A BANK CASHIER } who STEALS any bond, etc., or any money or effects of
 or other servant } such bank, or lodged or deposited with it ;

Any Government } who STEALS anything in his possession by virtue of
 or } his employment, or
 Municipal employee } who REFUSES or fails to deliver up, to any one author-
 } ised to demand it, any chattel, paper, etc., entrusted
 } to him.

anything LET in or with any house or lodging

or

any TESTAMENTARY document, or any DOCUMENT OF TITLE to } or any part
land or goods, or any Court RECORD or document, or any } of any of
Government or public document, } them

or

any postal matter

or

any ELECTION document, (Dominion, Provincial, or Municipal)

or

any TRAMWAY railway or steamboat TICKET or passage order or receipt

or

any CATTLE

or

any TREE, sapling, } worth \$25, or
shrub, etc., } worth \$5 and growing in a park, pleasure ground, etc.

EVERY ONE is guilty of a SUMMARY OFFENCE

who, unlawfully and wilfully, } any house-dove or pigeon, under such cir-
kills wounds or takes } cumstances as do not amount to theft,

or

who STEALS

any TREE sapling, } the value of the article stolen or the amount of damage
shrub, etc., } done being 25c at least

or

who, having in his possession or on his premises, with } does not satisfy a
his knowledge, the whole or any part of any tree, } justice, before whom
sapling or shrub, or any underwood or any part of } he is summoned or
any live or dead fence, or any post, pale, wire, rail, } taken, that he came
stile, or gate, or any part thereof, worth 25c at the } lawfully by the
least, } same,

or

who STEALS { any plant, root fruit or } growing in any garden, orchard, pleasure
vegetable production } ground, nursery ground, hot-house, green-
house or conservatory

or

who STEALS { any cultivated } used for the food of man or } and growing in any land,
root or plant } beast or for medicine or for } open or enclosed, not being
distilling or for dyeing or } a garden, orchard, pleasure
for or in any manufacture, } ground or nursery.

EVERY ONE is guilty of an INDICTABLE OFFENCE

who STEALS, from the PERSON of } any chattel, money or valuable security
another, }

or

who STEALS, in } any chattel money or valuable security to the EXTENT of \$25
any DWELLING- }
HOUSE } or
ANY chattel, money or } and, by any menace or THREAT, puts
valuable security, } any one therein in bodily fear,

And EVERY ONE who STEALS

Stealing trees, etc., of small value.

or

who, by means of any picklock, false } STEALS anything from any RECEPTACLE,
key, etc., } locked or otherwise secured.

EVERY ONE is guilty of an INDICTABLE OFFENCE

who,

For any fraudulent purpose { DESTROYS, cancels } any document of title or any valuable security, testa-
conceals or obli- } mentary instrument, or judicial, official, or other
terates } document
or
{ TAKES, obtains, removes or } anything capable of being stolen,
conceals }

or

who,—

having obtained, out of Canada, any property by } BRINGS such property into
any act which in Canada would amount to } or has the same in Ca-
theft,— } nada.

Part. XXVII.—*Obtaining property by false pretences and other criminal frauds and dealings with property.*—(SECS. 353 to 363).

FALSE PRETENCES { A FALSE PRETENCE is a REPRESENTATION, by words or } which REPRESENTATION is KNOWN to the per-
otherwise, of a matter of } son making it to be FALSE and which is
fact, present or past, } made with a fraudulent intent to induce the
person to whom it is made to act upon it.
2. Exaggerated COMMENDATION or } unless carried to such an extent as to
DEPRECIATION of the quality of } amount to a fraudulent representa-
anything is *not* a false pretence, } tion of fact.
3. Whether such commendation or depreciation does or does } is a QUESTION
not amount to a fraudulent representation of fact } of FACT
EVERY ONE is guilty of an INDICTABLE OFFENCE
who, WITH INTENT to DEFRAUD—by } OBTAINS anything capable of being
any false pretence, either directly or } stolen, or procures anything capable
through the medium of any contract } of being stolen to be delivered to
obtained by such false pretence,— } any other person than himself.
or
who, WITH INTENT to DEFRAUD or injure any person,
by any false } CAUSES or procures any person to execute, make, accept, endorse,
pretence, } or destroy any valuable security,
or
who, wrongfully and with } PRETENDS to have sent, by post, any money, etc.,
wilful falsehood, } which he did not send,
or
who, by means of any FALSE TICKET or order, or of any other ticket or order,
fraudulently and unlawfully OBTAINS } any passage on any tramway or rail-
or attempts to obtain } way or in any steam or other vessel,

or

who, being a TRUSTEE of any property for some other person's use or benefit or for any public or charitable purpose,

WITH INTENT to DEFRAUD and } CONVERTS anything of which he is trustee to
in violation of his trust, } any use not authorised by the trust.

Part XXVIII.—Fraud.—(SECS. 364 to 396).

- Company Frauds.** { EVERY ONE, commits an INDICTABLE OFFENCE who, being a director, manager, public officer or member of any body corporate or public company,
- (a) DESTROYS, alters, mutilates or falsifies any book, paper, writing, or valuable security belonging to the body corporate or public company, } WITH INTENT to DEFRAUD
- or
- (b) makes or concurs in making any false entry, or omits or concurs in omitting to enter any material particular in any account book or document, }
- or
- who, being a promoter, director, public officer or manager of any existing or intended company, etc.,
- makes, circulates or publishes any prospectus, statement or account known by him to be false in any material particular, } WITH INTENT TO INDUCE persons to become shareholders or partners, or to DECEIVE or DEFRAUD members, shareholders or creditors of such company, etc., or to INDUCE any person to entrust or advance any property to such company, etc., or to enter into any security for it;
- or
- False accounting by clerks, etc.** { who, being or acting as an OFFICER, CLERK or servant,
- (a) DESTROYS, alters, or falsifies any book, paper, writing, valuable security or document belonging to or possessed by his employer, or received by him for his employer, or concurs therein, or } with intent to defraud
- (b) MAKES any false entry in or omits any material particular from any such book, etc., }
- or
- False statement by public officer.** { who, being an OFFICER, COLLECTOR or receiver entrusted with receiving or managing PUBLIC REVENUES,—
- knowingly furnishes any false statement } of any money collected by him or entrusted to his care or of any balance in his hands or control;
- or
- Defrauding Creditors** { who,
- (a) with intent to defraud his creditors or any of them, } 1. MAKES or causes to be made, any gift, conveyance, assignment, sale, transfer or delivery of his property, or
2. REMOVES, conceals or disposes of any of his property;

or

Defrauding Creditors. { (b) *with intent* that any one shall so defraud } RECEIVES any such property;
his creditors or any one of them,

or

who, *with intent* to defraud his creditors or any of them, { DESTROYS, alters, mutilates or falsifies any of his books, papers, writings or securities, or MAKES or is privy to making any false or fraudulent entry in any book of account or other document ;

or

Concealing Encumbrances. { who, being a seller or mortgagor of land or of any chattel, etc., } CONCEALS any settlement, deed, will, etc., (material to the title), or any encumbrance, or

{ FALSIFIES any pedigree on which the title depends, } *with intent* to defraud and to induce the acceptance of the title offered,

or

Registration Frauds. { who, in any proceeding to obtain the registration of land, or in any transaction about land to be registered, } *knowingly*, and *with intent* to deceive, MAKES or assists in making any material *false representation*, or SUPPRESSES or conceals from any judge or registrar, etc., any material document, etc. ;

or

False Sales. { who, knowing of any unregistered prior sale, grant, mortgage, hypothec, privilege or encumbrance of or upon any real property, } fraudulently MAKES any subsequent sale of the same or of any part thereof ;

or

False Mortgages. { who PRETENDS to hypothecate, mortgage, or otherwise charge any real property } to which he knows he has NO legal or equitable TITLE ;

or

Fraudulent seizures. { who, *in the province of Quebec*, wilfully CAUSES or procures to be seized, in execution, } any REAL PROPERTY not, then, to the knowledge of the person causing the seizure, the *bona fide* property of the person against whom the execution is issued

It is an INDICTABLE OFFENCE

Warehouse Receipts. { To give a FALSE WAREHOUSE RECEIPT } *with intent* to mislead or defraud,

or

{ to *knowingly* and *wilfully* ACCEPT, transmit or use } any such false receipt,

or

{ to MAKE or aid in making *any disposition* of goods entrusted to a warehouse man or carrier, } for the purpose of *defrauding* or *injuring* the consignee ;

or

Receipts under
The Bank Act. { to wilfully MAKE any false statement
in any RECEIPT, for GRAIN or other
property, } which can be used under the Bank
Act,

or

{ to fraudulently deal } any grain, etc., to which any such receipt refers.
with

EVERY ONE is guilty of an INDICTABLE OFFENCE

Public Stores. { who,—without lawful authority,— } APPLIES in or upon any public stores any mark appropriated for use on Government stores, ⁽¹⁾

or

{ who with intent to conceal Her Majesty's } TAKES OUT, destroys, or obliterates,
property in any public stores, } wholly or in part, any such mark,

or

{ who,—without law- } RECEIVES, possesses, sells, or delivers any PUBLIC
ful authority,— } STORES bearing any such mark, knowing them to
bear such mark.

If the value of the stores does not exceed \$25, the offence is a SUMMARY ONE.

EVERY ONE is guilty of an INDICTABLE OFFENCE

Conspiracy to
defraud. { who CONSPIRES with any other person,
by deceit or } to DEFAUD the public or any per-
falsehood or } son, (ascertained or unascertained), } whether such deceit
other fraud- } or } or falsehood or other
ulent means, } to AFFECT the public market price of } fraudulent means
stocks, shares, merchandise or any- } would or would not
thing else publicly sold, } amount to a false
pretence ;

or

Cheating
at play. { who, with intent to defraud any person
CHEATS { in PLAYING at any game, or
in HOLDING the stakes, or
in BETTING on any event ;

or

Witchcraft, Fortune-Tell-
ing, etc. { who,
PRETENDS to exercise } any kind of WITCHCRAFT, sorcery, enchantment or
or use } conjuration ;

or

{ UNDERTAKES to tell fortunes,

or

{ PRETENDS from his skill or } to discover where or in what manner any
knowledge in any occult } goods or chattels supposed to have been
or crafty science, } stolen or lost, may be found.

⁽¹⁾ For full particulars of Government marks, see sec. 384, Criminal Code.

Part XXX.—Burglary.—(SECS. 407 to 418).

Dwelling house. { DWELLING HOUSE } kept, by the owner or occupier thereof, { although, at in-
means a perma- } for the residence of himself, his fa- } tervals unoc-
nent building, } mily, or servants, } cupied.
A building occupied with and { if, between the building, and it, there is a
within the same curtilage { communication,—immediate, or by means
with any dwelling house, is { of a covered or enclosed passage,—leading
deemed part of said dwell- { from one to the other, but not other-
ing house, { wise.

Breaking. { To "BREAK" means,
to BREAK any { to OPEN, by any means, (including lifting, in the case of
part internal { things kept in place by their own weight), any door,
or external of { window, shutter, cellar-flap, or other thing intended to
a building, { cover openings to the building or to give passage from
one part to another.

Entrance. { An ENTRANCE } is made { as soon as any part of the body of the person making
into a build- } the entrance or any part of any instrument used
ing { by him in within the building.
Every one { who OBTAINS ENTRANCE into any building by any *threat*
or *artifice* used for that purpose, } is deemed to
or { have BROKEN
who ENTERS any CHIMNEY or other aperture of the } and ENTERED
building *permanently left open* for any necessary } that building.
purpose, }

EVERY ONE is guilty of an INDICTABLE OFFENCE,

Sacrilege. { who BREAKS and ENTERS,
any place of public { and commits,
worship { or
{ *with intent to commit* } any indictable offence therein ;
or
who, having committed any indictable offence { BREAKS OUT of such place ;
therein, }

or

who,

- (a) BREAKS and ENTERS a dwelling { *with intent* to commit any indictable
house, by night, { offence therein ;

or

- (b) BREAKS OUT of { either after committing an indictable offence therein, or
any dwelling- { after having entered, by day or by night, with intent
house, by night, { to commit an indictable offence therein ;

or

who BREAKS and ENTERS,

- any dwelling house, by { and commits, } any indictable offence
day, { or } therein ;
or { *with intent* to commit, }

- who BREAKS OUT of any dwelling- { after having committed any indictable
house, by day, { offence therein ;

or

- who, by day { a school house, shop, warehouse or } and commits, or with
or by night, { counting-house, or any building } *intent to commit* any
BREAKS and { within the curtilage of a dwelling } indictable offence
ENTERS, { house, but not so connected with } therein ;
it as to form part of it,

or

who, unlawfully, ENTERS or IS IN,

- any dwelling house, by { *with intent*, { to commit any indictable offence
night, { therein ;

or

- who is found ARMED { (a) *by day*, with intent to break or } and to commit
with any dangerous { enter any DWELLINGHOUSE, } any indict-
or offensive weapon { or } able offence
or instrument. { (b) *by night*, with intent to break into } therein ;
any BUILDING,

or

- { (a) having in his possession, } any instrument of house- { without lawful
by night, } breaking, { excuse,

or

- { (b) having in his possession, } any such instru- { *with intent* to commit
by day, } ment, { any indictable offence,

or

- { (c), (d), having his face } *by night*, without lawful excuse,
MASKED or blackened, { or }
or being otherwise { *by day*, with intent to commit any indictable
DISGUISED, { offence.

Burglary, House breaking, Shop breaking, etc.

Being found armed or with burglars' tools, etc.

WHO IS FOUND

Part. XXXI.—Forgery.—(SECS. 419 to 432).

Document. { A Document means, *in this part*,
 { any paper, parchment } marked { but does not include trade marks on
 { or other material, used } with matter { articles of commerce, or inscriptions
 { for writing or print- } capable of { on stone or metal or other like ma-
 { ing, } being read; { terial.

Bank Note. { "BANK NOTE" includes
 { All negotiable instruments of any banking institution, or of the Parliament
 { of Canada, or of any foreign prince or government, or of any governor or
 { other authority lawfully authorized thereto in any of Her Majesty's
 { dominions and intended to be used as equivalent to money
 { and
 { all bank bills and bank post bills.

"EXCHEQUER BILL." { includes
 { exchequer bonds, notes, } issued under the authority of the Parliament
 { debentures and other } of Canada or of any Legislature of any
 { securities } province.

FALSE DOCUMENT. { "FALSE DOCUMENT" means a document
 { the whole or } (a) *purports to be made* by or on behalf of any person who did NOT
 { some material } make or authorize the making of it, or
 { "part of which } which,—though made by or { is FALSELY dated { when either is
 { } by the authority of the per- { as to time or place { material,
 { } son purporting to make it,— { of making,
 { } or
 { } (b) *purports to be made* by or on behalf of some person who did
 { } NOT, in fact, exist,
 { } or
 { } (c) which is MADE in the name } with the *fraudulent intention* that the
 { of an EXISTING PERSON, } document should pass as being made by
 { either by that person or by } some person, real or fictitious, other than
 { his authority } the person who makes or authorizes it.
 { } 2. It is not necessary that the fraudulent intention } but it may be proved by
 { } should appear on the face of the document, } external evidence,

Forgery. { FORGERY is } { THAT it shall in any way be acted upon as genuine,
 { the making } to the prejudice of anyone, whether within Canada
 { of a false } or not, or THAT some person should be induced,
 { document, } by the belief that it is genuine, to do or refrain
 { knowing it } from doing anything, whether in or out of
 { to be false, } Canada.
 { } with the }
 { } intention }

FORGERY. {
 MAKING a FALSE DOCUMENT includes {
 ALTERING a *genuine document* in any material part,
 and
 MAKING any material ADDITION to it,
 or
 ADDING, to it, any *false date*, attestation, seal, or other thing which is material,
 or
 MAKING any *material alteration* in it, either by ERASURE, obliteration, removal or otherwise.
 FORGERY is COMPLETE, {
 as soon as the document is made, with such knowledge and intent as aforesaid, {
 THOUGH the offender may not have intended that any *particular person* should use or act upon it as *genuine*, or be induced, by the belief in its genuineness, to do or refrain from doing anything;
 or
 ALTHOUGH the false document may be incomplete or may not purport to be such a document as would be binding in law, {
 if it be so made as, and is such as to indicate that it was intended, to be acted on as *genuine*.
 EVERY ONE is guilty of an INDICTABLE OFFENCE who,
 COMMITS FORGERY, ⁽¹⁾

or
 Uttering, {
 who,
 knowing a document to be forged, {
 USES, deals with, or acts upon it, or {
 as if it were
 ATTEMPTS to USE, deal with or act upon it {
 genuine; ⁽²⁾
 or
 False Telegrams or Letters, {
 who, WITH INTENT to DEFRAUD,
 CAUSES or procures any TELEGRAM to be SENT or delivered as being sent by the authority of any person; {
 knowing that it is *not sent by such authority*, with intent that such telegram should be acted on as being sent by that person's authority,
 or
 who, WITH INTENT to *injure* or *alarm* any person,
 SENDS or procures to be sent any TELEGRAM } containing matter which he
 or letter or other message } knows to be false,

⁽¹⁾ The punishment for forgery varies in degree,—up to imprisonment for life,—according to the description of document forged. (See Secs. 423, 425, 426, 427).

⁽²⁾ It is immaterial where the document was forged.

Forged Bank Notes.	or	
	who,	
	without lawful authority or excuse, PURCHASES or receives from any person	any FORGED BANK NOTE or forged blank note, whether complete or not,
	or	
	HAS in his custody or possession	knowing it to be forged,
or		
	who,	
	WITH INTENT to DEFRAUD, and without lawful authority or excuse,	MAKES or executes, draws, signs, accepts or endorses, in the name or on account of another person, by procuration or otherwise, any DOCUMENT
		or
		MAKES USE of or utters <i>any such document</i> knowing it to be so made, executed, signed, accepted or endorsed ;
or		
Forged probate, etc.	who,	
	(a) DEMANDS, receives, obtains, or causes or procures to be delivered or paid to any person, ANYTHING,	
	or by	any <i>forged instrument</i> , knowing it to be forged,
	or	
	under, upon, or by virtue of	any <i>probate or letters of administration</i> ,
		knowing the will, etc., on which such probate or letters of administration were obtained to be forged, or
		knowing the probate or letters of administration to have been obtained by any false oath, affirmation or affidavit,
	or	
	(b) ATTEMPTS to do any such thing.	

Part XXXII. — Preparation for Forgery and Offences resembling Forgery.—
(SECS. 433 to 442).

EVERY ONE commits an INDICTABLE OFFENCE,

Instruments of Forgery.	who,—	
	WITHOUT LAWFUL AUTHORITY OR EXCUSE,—	
	(a), (e), MAKES, uses or knowingly has in his possession,	any MACHINERY, instrument or material
		for making exchequer bill paper, revenue paper, or paper intended to resemble the bill paper of any banking institution,
		or
		any <i>exchequer bill paper</i> , revenue paper, or paper intended to resemble the bill paper of any banking institution,
		or
		any <i>paper</i> containing any <i>exchequer bill</i> or bank note,

or

Instruments of Forgery. {
 WITHOUT LAWFUL AUTHORITY OR EXCUSE, —
 (b), (f), ENGRAVES on any plate or material } any *exchequer bill* or
 or } bank note or any
 (c), (g), USES any plate or material *for printing* } Government bond,
 or
 (d) knowingly HAS in his } any such *plate* or material as subsections
 possession } (b) and (c) refer to,
 or
 (h) knowingly OFFERS, disposes } any *paper* upon which any Govern-
 of, or has in his possession } ment bond or any part thereof has
 been printed,

or

who

(a) fraudulently COUNTERFEITS any Government revenue stamp,
 or
 (b) knowingly sells or exposes for sale, or { any such *counterfeit stamp*,
 utters or uses }
 or
 (c), without lawful excuse, MAKES } any DIE or { capable of making the im-
 or knowingly has, in his posses- } instrument { pression of any such stamp,
 sion, }
 or
 (d) fraudulently CUTS, tears or } any such stamp, { *with intent* that any use
 removes from any material } should be made of any
 or } part of it,
 (e) fraudulently MUTILATES }
 or
 (f) fraudulently *fixes* or places, } any *stamp* or part of a stamp which (fraud-
 upon any material, or upon } ulently or not). has been *cut*, torn or re-
 any such stamp, } moved *from any other material* or other
 stamp,
 or
 (g) fraudulently ERASES or otherwise, either really or } *with intent* that any
 apparently, removes, from any stamped material, } use should be made
 any NAME, sum, date or other matter or thing } of the stamp on
 thereon written, } such material,
 or
 (h) *knowingly*, and } any *stamp* fraudulently *cut*, torn or otherwise removed
 without lawful } *from any material*, or any stamp fraudulently muti-
 excuse, HAS, in } lated, or any stamped material out of which any name,
 his possession, } sum, date or other matter has been fraudulently
 removed,

Counterfeiting Stamps, etc.

Counterfeiting Stamps, etc.

(i) WITHOUT LAWFUL AUTHORITY,

or
 MAKES or any *Government* mark or brand, or the impression of counterfeits } any such mark or brand,

or

SELLS or exposes for sale } any goods having thereon a counterfeit of
 or has in his possession } any such mark or brand, knowing it to
 be counterfeit,

or

AFFIXES any } to any goods required by law to be marked other than
 such mark } those to which such mark or brand was originally
 or brand } affixed ;

or

Falsifying Registers.

who
 (a) unlawfully DESTROYS defaces } any legal REGISTER of *births*, baptisms,
 or injures } marriages, deaths or burials, or any
 or } part thereof, or
 (b) unlawfully inserts any false } any COPY of such register or any part
 entry in or erases any material } thereof legally required to be trans-
 part from } ritted to any registrar, etc.,

or

False extracts.—Concealing registers.

who
 (a) CERTIFIES any *false copy* of or extract } any entry in any such register,
 from }
 or
 knowingly UTTERS any such certificate,
 or
 (b) unlawfully and fraudulently TAKES from } any such register or certified
 its place of deposit, or CONCEALS } copy,
 or
 (c) being a person in custody } PERMITS it to be so taken or concealed ;
 thereof,

or

False copies of entries in registers or of court records.

who,
 (a), being by law required to certify that } MAKES such certificate *knowing*
 any entry has been made in any such } that such entry has NOT been
 register } made,
 or
 (b), being by law required to make a certificate } *knowingly* MAKES such cer-
 or declaration concerning any particular } tificate or declaration
 required for the purpose of making entries } containing a *falsehood*,
 in such register,
 or
 (c), being an officer in custody } wilfully UTTERS a *false* copy or certificate
 of Court records, } of any *record*,
 or
 (d), not being } *fraudulently signs* or certifies any copy or certificate of
 such officer, } any record, etc., as if he were such officer,

or

who,

- (a) being a legal-ly authorized officer, } *wilfully certifies, as a true copy of or extract from any document, any writing which he knows to be untrue in any material particular,*

or

- (b) not being such officer, } *fraudulently signs or certifies any copy of or extract from any document as if he were such officer.*

It is an INDICTABLE OFFENCE

- Public Funds. { To MAKE FALSE ENTRIES in books relating to public funds :
or
{ To ISSUE *false dividend warrants* in respect of such funds, { *with intent to defraud.*

It is a SUMMARY OFFENCE,

- To MAKE OR USE any business or professional card, circular, etc., { in the *likeness* of any *bank note* or Government security.

Part XXXIII. – Forgery of Trade Marks—Fraudulent Marking of Merchandise.
(SECS. 443 to 455.)

- Definition. { EVERY ONE is deemed to FORGE a TRADE MARK,
who { (a) without the assent of the proprietor of the trade mark, or { MAKES that trade mark or a mark so nearly resembling it as to be calculated to deceive,
{ (b) FALSIFIES any genuine trade mark, { whether by alteration, addition, effacement or otherwise ;

- Applying trade marks. { EVERY ONE *applies a trade mark, or mark, or trade description* to goods,
who { (a) (b) APPLIES IT { to the GOODS themselves, or to any COVERING, label, reel, or other thing in or with which the goods are sold, or exposed, or possessed for any purpose of sale, trade or manufacture,
or
{ (c) PLACES, encloses or annexes any *such goods* in or with or to any covering, label, reel, or other thing to which a trade mark or trade description has been applied,
or
{ (d) USES a trade mark or mark or trade description in any manner calculated to lead to the belief that the goods in connection with which it is used are designated or described by that trade mark, mark or description.

2. A TRADE MARK or mark or trade description IS { whether woven, impressed or otherwise worked into or annexed or affixed to the goods or to deemed to be APPLIED, { any covering, label, reel or other thing ;

3. EVERY ONE is deemed to FALSELY APPLY, to goods, a trade mark or mark,

- who,—without the assent of the proprietor of the trade mark,— { APPLIES such trade mark or a mark so nearly resembling it as to be calculated to deceive.

EVERY ONE is guilty of an INDICTABLE OFFENCE, who,—

- With intent to defraud,*—
- (a) FORGES any trade mark,
 - or
 - (b) FALSELY APPLIES to any } any trade mark,
goods,
 - or
 - (c) MAKES, OR } any DIE, block, ma-
(e) DISPOSES OF, or has in } chine or other ins- { *for the purpose of forging*
his possession, } trument { or being used for forging
a trade mark,
 - or
 - (d) APPLIES any false description to any goods :

Selling goods falsely marked { who SELLS, or exposes or has in his possession for sale or any purpose of trade or manufacture, any goods, to which is applied any forged trade mark or false description, or to which any trade mark is falsely applied, } UNLESS he PROVES { (a) that, having taken all reasonable precautions, he had no reason to suspect the genuineness of the trade mark, etc., and
(b) that, on prosecutor's demand, he gave all the information he could of the persons from whom he obtained such goods, and
(c) that, otherwise, he acted innocently ;

Bottles { who, — without the assent of the proprietor of the trade mark, — } SELLS, or exposes or offers for sale, or traffics in bottles marked with a trade mark blown or otherwise permanently affixed therein.

EVERY ONE is guilty of a SUMMARY OFFENCE

who FALSELY REPRESENTS that any goods are made } by a person holding a royal warrant,
or
for the service { of Her Majesty or any of the Royal family or any Government department of the United Kingdom or of Canada,

Importation. { who IMPORTS, or attempts to import } any GOODS subject to forfeiture under this part, or any goods of foreign manufacture bearing any British or Canadian name or trade mark, } unless such name or trade mark is accompanied by a definite indication of the foreign state where the goods were made or produced ;
and such goods shall be forfeited.

Forfeiture. { Every CHATTEL, article, instrument or thing by means of or in relation to which any offence defined in this part has been committed } shall be FORFEITED.

Part XXXIV.—Personation.—(SECS. 456 to 459).

EVERY ONE is guilty of an INDICTABLE OFFENCE

PERSONATION.	who PERSON-ATES	{ any person, living or dead, or the administrator, wife, widow, next of kin or relation of any person, }	{ with intent fraudulently to obtain any property ;
		or	
	who, falsely, with intent to gain some advantage for himself or some other person,	PERSONATES { a candidate at any competitive or qualifying examination held under any law or in connection with any university or college,	
		or	
	who procures himself or any other person	{ to be personated thereat,	
who PERSONATES.		or	
	who knowingly avails himself	{ of the results of such personation ; ⁽¹⁾	
		or	
	any owner or any duly authorized attorney of any owner	of any stock and thereby ;	TRANSFERS or endeavors to transfer such stock, or
			OBTAINS or endeavors to obtain any money, etc., due or receiveable thereon ;
		or	
	who, — without lawful authority or excuse, —	ACKNOWLEDGES, in any other person's name, before any Court, etc.	{ any RECOGNIZANCE of bail, or any <i>cognovit actionem</i> , or consent for judgment or judgment, or any deed, etc.

Part XXXV.—Offences against the Coin.—(SECS. 460 to 478).

Meanings of terms.	“ CURRENT gold or silver coin ”	includes { any gold or silver coin	coined in any of Her Majesty's mints,
		and	or
	“ CURRENT copper coin ”	includes { copper coin	of any foreign prince, state or country, lawfully current in the Queen's dominions.
	“ COPPER coin ”	includes { any coin of bronze or mixed metal, and every other kind of coin than gold or silver.	
	“ COUNTERFEIT ”	means { false, — not genuine.	

(1) These offenses of personation at examinations are summary as well as indictable.

Meanings of terms.

(1) Any GENUINE coin } so as to resemble any current coin of
 prepared or altered } a higher denomination

and

(2) A coin fraudu- } so as to remove the milling and on which
 lently FILED or } a new milling has been added to
 cut at the edges } restore the appearance of the coin

casing with gold or silver, respectively.

“ GILD ” and
 “ SILVER ”
 include } *washing and coloring* } with any wash or material capable of
 by any means what- } producing the appearance of gold
 soever, } or silver respectively.

“ UTTER ” includes “ tender ” or “ put off.”

When offence complete.

Every offence
 Of MAKING or
 Of BUYING, selling, receiving
 paying, tendering, uttering
 or putting off, or
 Of offering to buy, sell, receive
 pay, utter or put off.

} is complete, {

although the counterfeit coin
 was not in a fit state to be
 uttered, or
 the counterfeiting thereof was
 not finished or perfected.

EVERY ONE is guilty of an INDICTABLE OFFENCE

who

Counterfeiting gold or silver coin.

(a) MAKES or begins to make any *counterfeit coin*
 or

(b) GILDS or SILVERs any *coin*
 - or

(c) gilds or silvers any piece of silver or } and *with intent*
 copper or of coarse gold or coarse } that the same
 silver or of any metal or mixture of } shall be coined
 metals, being of a fit size and figure } into *counterfeit*
 to be coined } coin

or

(d) GILDS any current silver } *with intent* to make the
 coin, or } the same resemble or
 or FILES, or in any } pass for any current
 manner alters such } gold or silver coin ;

(e) GILDS or SILVERs any cur-
 rent copper coin

Dealing in or import-
 ing counterfeit
 money.

who,—without lawful authority or excuse,—
 BUYS, sells, receives, pays or puts off, or offers } any COUNTERFEIT of any
 to buy, sell, receive, pay or put off, at or for } current gold or silver
 a lower rate or value than the same imports } coin or of any current
 or is apparently intended to import, } copper coin,

or

IMPORTS or receives into Canada any *counterfeit* of any current gold or
silver coin, knowing it to be counterfeit,

Manufacturing or Importing copper coin. { who, MANUFACTURES, in } any copper coin, { with the intention of putting the same into circulation as current copper coin, }
Canada, }
or
imports into } any copper coin other than current }
Canada } copper coin, }

or

Exportation. { who,— without lawful authority or excuse,— EXPORTS or begins to export, from { any counterfeit { knowing it to be }
Canada, } coin, } counterfeit ; }

or

Coining Instruments. { who,— without lawful authority or excuse,— MAKES or mends, or begins or proceeds { any instruments for counterfeiting }
to make or mend, or buys or sells, { current gold or silver or copper }
or has in his custody or possession, { coin, or foreign coin ; }

or

BRINGS out of Her Majesty's mints, into } any coining instruments ;
Canada, }

or

Impairing or Defacing. { who IMPAIRS, diminishes or lightens { with intent that it may pass for }
any current gold or silver coin, { current gold or silver coin, }

or

who DEFACES any current gold, { whether such coin is or { and afterwards }
silver or copper coin, by stamping { is not thereby dimin- { tenders the }
thereon any names or words, { ished or lightened, { same : }

or

Filings. { who unlawfully has, in { any FILINGS or clippings of } knowing them }
his custody or pos- { current gold or silver } to be such ; }
session, { coin, }

or

Possessing counterfeit coin. { who has, in his custody or possession, any COUNTERFEIT of current gold or } knowing the same to be counter-
silver coin, or THREE or more coun- feit, and with intent to UTTER
terfeit pieces of current copper } the same ;
coin, }

or

who MAKES }
or }
begins to }
make }
any COUNTERFEIT { of any current COPPER coin, }
or
{ of any FOREIGN gold or silver or copper coin, not being }
current coin :

or

Foreign coin. { who,—
without lawful au-
thority or excuse,—
1, BRINGS into, or } any such foreign coun- } *knowing* it to be coun-
receives, in Ca- } terfeit coin, } terfeit
nada
or
2, HAS, in his cus- } any such foreign } *knowing* it to be counterfeit
tody or posses- } counterfeit coin, } and with intent to put off
sion } the same,

or

who UTTERS any such foreign counterfeit coin ;

or

who UTTERS any } of any current gold or silver coin, } *knowing* it to be
counterfeit } or } counterfeit ;
} of any current copper coin }

or

who UTTERS, as } any gold or silver coin } *knowing* it to have been im-
being current, } of less than its law- } paired, otherwise than by
ful weight, } lawful wear ;

or

who,—*with intent to defraud*,—

UTTERS, as and any coin not being such current gold or silver coin, or
for any cur- any medal or piece of metal } the same being of less value
rent gold or resembling the current coin } than the current coin for
silver coin, for which it is so uttered, } which it is so uttered.

EVERY ONE is guilty of a SUMMARY OFFENCE,

who UTTERS { any coin DEFACED by having stamped thereon any names or
words,
or
any UNCURRENT *copper coin*.

Part XXXVI.—Advertising counterfeit money.—(SECS. 479 to 480).

It is an INDICTABLE OFFENCE,

To PRINT, write, utter, publish, lend, } any letter or paper ADVERTIZING or re-
give away, circulate or distribute, } lating to *counterfeit money*.

Part XXXVII.—Mischief.—(SECS. 481 to 511).

Preliminary. { EVERY ONE who } by an act which he *knew* would *probably* { is deemed to
causes any } cause it, being *reckless* whether such event { have caused
event } happens or not, { it WILFULLY.

2. Nothing is an offence } unless done *without legal justification* or *excuse*,
under this part, } and *without color of right*.

3. Where the offence consists in an injury to anything in which the offender
has an interest,
the existence of { *if partial*, shall not prevent his act being an offence, and,
such interest, { *if total*, shall not prevent his act being an offence, if done
with intent to defraud.

ARSON. { EVERY ONE is guilty of the INDICTABLE OFFENCE of ARSON,
who WILFULLY SETS FIRE to any BUILDING or structure, whether *completed* or *not*,
or
to any STACK of vegetable produce or of mineral or vegetable fuel, or
to any MINE, or any well of oil, or other combustible substance, or
to any SHIP or vessel, whether *completed* or *not*,
or
to any TIMBER or } placed in any ship yard for building or repairing or
materials } fitting out any ship,
or
to any of Her Majesty's STORES or munitions of war.

EVERY ONE is guilty of an INDICTABLE OFFENCE,

Wilfully and Negligently Setting Fire, Threats to burn, etc. { who WILFULLY SETS FIRE (a) to any CROP,—standing or cut,—or any wood, forest, coppice
or plantation, or any heath, gorge, furze or fern, or
(b) to any TREE, lumber, logs or floats, } and thereby *injures* or
boom, dam or slide, } *destroys* the same.
or
who, wilfully ATTEMPTS to } to anything mentioned in the last preceding section
SET FIRE } or in the above section on arson ;
or
wilfully SETS { to any substance so situated that he knows that anything
FIRE } mentioned in the said sections is likely to catch fire
therefrom ;
or
who, by *reckless negligence*, or in viola- } to any forest, { so that the same
tion of a provincial or municipal law, } tree, lumber, { is *injured* or
SETS FIRE } etc., { *destroyed* ;
or
who MAKES any *written* } to burn or des- } any building, etc. ;
threat, } troy }

MISCHIEF. { EVERY ONE is guilty of the INDICTABLE OFFENCE of MISCHIEF
 who,—
 WILFULLY DESTROYS { any property ⁽¹⁾
 or DAMAGES
 or
 who { WILFULLY ATTEMPTS
 or
 MAKES a written THREAT } to KILL, maim, wound, poison or injure any
 CATTLE.

It is a SUMMARY OFFENCE

To wilfully KILL, maim, { any DOG, bird, beast or other animal, *not being*
 wound, poison or injure { *cattle*, and being the subject of theft.

WILFUL INJURIES { to *poll books* and other election docu-
 ments,
 INJURIES to any dwell- { *done*, by the } *wilfully* and to the
 ing house or other { Mortgagor or } prejudice of the
 building { tenant thereof, } mortgagee or owner, } are indictable
 and } offences, ⁽²⁾
 WILFUL INJURIES to land marks.

WILFUL INJURIES. { to FENCES, etc., or
 to any public HARBOR BAR, or
 to any TREE, etc., wheresoever growing, — to the extent of
 25c., — or
 to any VEGETABLE PRODUCTION growing in any garden, etc.,
 or
 to any CULTIVATED ROOT or plant used for food or medicine,
 or for distilling or dyeing or manufacturing, and growing
 in land not being a garden, etc., } are summary
 offences. ⁽³⁾

And it is a SUMMARY OFFENCE

To commit any (not hereinbefore provided) { to or upon any real or per-
 wilful injury,— } for,— { sonal property.

(1) The punishment varies in degree, — up to imprisonment for life, — according to the nature of the object destroyed or damaged and the result of the destruction or damage. (See sec. 499).

(2) See secs. 503 to 506.

(3) See secs. 507 to 510.

Part XXXVIII.—Cruelty to animals. — (SECS. 512 to 515).

EVERY ONE is guilty of a SUMMARY OFFENCE,

who,—

- Cruelty to Animals.**
- (a) WANTONLY, cruelly or unnecessarily { any *cattle*, poultry, dog, domestic
BEATS, binds, illtreats, abuses, over- { animal or bird, or any wild ani-
drives or tortures { mal or bird in captivity,
or
- (b) while driving { is, — by *negligence* or } whereby any mischief, damage
any *cattle* or { *illusage* in the driving } or injury is done by any such
other animal, { thereof, — the means } *cattle* or other animal,
or
- (c) In any manner, *encourages*, aids { the FIGHTING } of any *bull*, bear, badger,
or assists at { or { cock or other kind of
animal, of domestic or
or BAITING { wild nature ;

- KEEPING COCK-PIT.**
- { who BUILDS, makes, maintains or keeps, {
or {
allows to be built made maintained or { a } on premises belonging to
kept { COCK-PIT } or occupied by him.
2. All COCKS found in any such cock-pit, or on pre-), shall be CONFISCATED.
mises where such cock-pit is

Cattle in Transit.

CATTLE CONVEYED by *rail* { without being unladen, { unless this is prevented
or *water* in Canada { for rest water and { by storm, or unavoidable
must not be confined in { feeding, for a period of { cause, or by necess-
any car or vessel longer { 5 consecutive hours, { ary delay in the cross-
than 28 hours. { ing of trains.

These provisions do not apply when cattle are carried in any car or vessel in which they have proper space and opportunity for rest and proper food and water.

Cattle in Transit.

Every RAILWAY COMPANY or owner or who *knowingly*
master of a vessel having cattle in { and wilfully } is guilty of a
transit or { fails to com- } summary of-
the OWNER or person having the custody { ply with the } fence.
of such cattle, { provisions of }
this section. }

A PEACE OFFICER MAY ENTER

{ any premises where he has reasonable } in respect whereof any company or
ground for supposing there may be } person has failed to comply with
found any car, truck or vehicle } the above provisions,
or

{ on board any { in respect whereof he has reasonable ground for supposing
vessel, { any company or person has so failed ;
and

It is a SUMMARY OFFENCE { to REFUSE admission to such officer

Part XXXIX.—*Offences connected with Trade and Breaches of Contract.*—
(SECS. 516 to 526).

A CONSPIRACY in RESTRAINT of TRADE } is an agreement,—between two or more persons,— { to do or procure to be done any *unlawful act* in restraint of trade.

The purposes of a trade union { are } by reason merely that they are in restraint of trade,— { *unlawful*, within the meaning of the above.

No prosecution shall be *maintainable* against any person { for conspiracy in refusing to work with or for any employer or workman, or for doing any act or causing any act to be done { for the purposes, of a trade combination, } unless such act is an offence punishable by statute.

Trade Combination. { “TRADE COMBINATION” means any combination between masters or workmen, or other persons { for regulating or altering { the relations between any persons being masters or workmen, or the conduct of any master or workman in or in respect of his business or employment or contract of employment or service ;

and

“Act” includes a *default*, *breach*, or *omission*.

Combinations in restraint of trade. { EVERY ONE, (including corporations), is guilty of an INDICTABLE OFFENCE, who conspires, combines, agrees, or arranges with any other person or with any railway, steamship, steamboat or transportation company { unlawfully { (a) to LIMIT the facilities for transporting, producing, manufacturing, storing or dealing in any article or commodity which may be the subject of trade or commerce, or (b) to RESTRAIN or injure trade or commerce in relation to any article or commodity, or (c) to PREVENT, limit or lessen the manufacture or production of any such article or commodity or to ENHANCE the price thereof, or (d) to PREVENT or lessen competition in the production, manufacture, purchase, barter, sale or supply of any such article or commodity or in the price of insurance upon person or property.

EVERY ONE is guilty of an INDICTABLE OFFENCE

- | | | | |
|---------------------|--|--|--|
| who WILFULLY BREAKS | ANY
CONTRACT | { <i>knowing</i> or having reason to believe that the probable consequences of his so doing, either alone or in combination with others, will be | } to ENDANGER human life, or to cause serious bodily injury, or to expose valuable property to destruction or serious injury, |
| | or | | |
| | any CONTRACT to <i>supply</i> any city or place with <i>electric light</i> or power, or gas, or water, | { <i>knowing</i> or having reason to believe that the probable consequences of | } to DEPRIVE the <i>inhabitants</i> of that city or place, wholly or to a great extent of <i>their supply</i> of power, light, gas or water, or |
| | or
any CONTRACT to <i>carry</i> Her Majesty's <i>mails</i> or to carry passengers or freight, | { his so doing, either alone or in combination with others, will be | } to DELAY or <i>prevent</i> the <i>running</i> of any locomotive engine or tender, or freight or passenger train, or car on the railway. ⁽¹⁾ |
2. Every MUNICIPAL CORPORATION or AUTHORITY or COMPANY is liable to a penalty
- for WILFULLY BREAKING any contract made by it to supply any city or other place with electric light, or power, or gas or water,
- | | |
|---|--|
| { <i>knowing</i> or having reason to believe that the probable consequences of its so doing will be | } to DEPRIVE the inhabitants of that city or place, wholly or to a great extent, of their supply of electric light, power, gas or water. |
|---|--|
3. Every RAILWAY COMPANY is liable to a penalty
- for WILFULLY BREAKING any contract to carry Her Majesty's mails, or to carry passengers or freight,
- | | |
|---|---|
| { <i>knowing</i> or having reason to believe that the probable consequences of its so doing will be | } to DELAY or PREVENT the running of any locomotive engine or tender, or freight or passenger train, or car on the railway. |
|---|---|
4. It is not material } whether any offence defined above is committed from malice conceived against the person, corporation, authority or company with which the contract is made, or otherwise.

Every such municipal corporation, authority or company is summarily liable to a penalty

for FAILING to *post up*, in some conspicuous place in its electrical works or gas-works, or water-works or railway stations } *printed copies* of the foregoing provisions;

and so is

every person who unlawfully INJURES, defaces or } any such copy so posted covers up } up.

(1) These offences are summary as well as indictable.

EVERY ONE is guilty of an INDICTABLE OFFENCE who, wrongfully, and without lawful authority,

- Intimidation. ⁽¹⁾ {
with a view to compel any other person
to ABSTAIN
from doing
anything
which he
has a law-
ful right
to do, or
TO DO any
thing from
which he
has a law-
ful right
to abstain
- (a) USES any VIOLENCE to such other person or his wife or children, or injures his property,
or
 - (b) INTIMIDATES him or his wife or children by threats of violence to him, her or any of them or of injuring his property,
or
 - (c) persistently FOLLOWS him about from place to place,
or
 - (d) HIDES or deprives him of or hinders him in the use of HIS TOOLS, clothes or other property,
or
 - (e) with one or more other persons, FOLLOWS such person, *in a disorderly manner*, in or through any street or road,
or
 - (f) BESETS or watches the house or other place where he resides or works or carries on business, or happens to be.
- or

- Intimidation of workmen,
etc., { who,—
- in pursuance of* { to raise wages, or
any unlawful { respecting any trade, business or manufac- } unlawfully
combination { ture, or { ASSAULTS
or conspiracy, { respecting any person concerned or em- } any person,
ployed therein,—
- or
- in pursuance of* { USES any *threat* } with a view to hinder him from work-
any such com- { of violence to } ing or being employed at such trade,
bination or { any person, } business or manufacture;

(1) This offence is summary as well as indictable.

or

Intimidation of dealers, seamen, ship laborers, etc. ⁽¹⁾

who,

(a), (b) BEATS or uses any violence or threat of violence to

any person,

with intent to deter or hinder him from buying, selling or otherwise disposing of any wheat or other grain, flour, meal, malt, potatoes or other produce or goods,

in any market or other place,

or

any person having the charge of any wheat or other grain, etc., while on the way to or from any city, market, town or other place,

with intent to stop the conveyance of the same,

or

(c) by force or threats of violence, or by any form of intimidation,

HINDERS or prevents, or attempts to hinder or prevent

any seaman, stevedore, ship carpenter, ship laborer or other person employed to work at or on board any ship or vessel, or to do any work connected with loading or unloading thereof,

from working at or exercising any lawful trade, business, calling or occupation in or for which he is so employed ;

or

BESETS or watches such ship, vessel or employee,

with intent to so hinder or prevent,

or

(d) beats or uses any violence to or makes any threat of violence against any such person,

with intent to hinder or prevent him from working at or exercising the same, or on account of his having done so,

or

who,—

before or at the time of the public sale of any Indian lands or public lands of Canada or of any province of Canada,—

by intimidation or illegal combination,

HINDERS or prevents, or attempts to hinder or prevent any person from bidding upon or purchasing any lands so offered for sale.

Part XL.—Attempts.—Conspiracies.—Accessories.—(SECS. 527 to 532).

EVERY ONE is guilty of an INDICTABLE OFFENCE,

who,

in any case not herein before provided for, } CONSPIRES with any person or ATTEMPTS } to commit any indictable offence,

or

who,

in any case not expressly provided for, } is ACCESSORY after the fact to any indictable offence.

(¹) These offences are summary as well as indictable.

SECOND DIVISION. CRIMINAL PROCEDURE.

TITLE VII.

Procedure.

Part XLI.—General Provisions.—(SECS. 533 to 537).

Every SUPERIOR COURT of Criminal Jurisdiction may make rules

for regulating { (a) its sittings ;
 (b) the pleading, practice and procedure ;
 (c) the duties of its officers, etc.

The CIVIL REMEDY for { is NOT suspended or { by reason of such act or omission
 an act or omission } affected { amounting to a crime.

The distinction { between FELONY and } is *abolished*.
 MISDEMEANOR

Every offence { which may be prosecuted by } is *an* INDICTABLE OFFENCE,
 indictment
 { punishable on summary con- } is an OFFENCE.
 viction

Part XLII.—Jurisdiction.—(SECS. 538 to 541).

Every SUPERIOR COURT of Criminal Jurisdiction, and
 every Judge thereof sitting as a Court to try criminal { has power to try any
 cases, and every Court of Oyer and Terminer and } indictable offence.
 General Gaol Delivery

Every COURT of GENERAL or QUARTER SESSIONS of the Peace, { has power to try
 when presided over by a Superior Court Judge or a County } all indictable
 or District Court Judge, or, in the Cities of Montreal or } offences, *except* those enu-
 Quebec, by a Recorder or Judge of Sessions of the Peace, } merated in
 and, in the Province of New Brunswick, every County } section 540.
 Court Judge

Powers of Two Justices. { The Judge of the Sessions of the { for Quebec and for }
 Peace and { Montreal.
 Every Recorder, Police Magistrate, Dis- } of any territorial
 trict Magistrate or Stipendiary Ma- } division
 gistrate and
 Every Magistrate author- } to perform acts usually re-
 ized by the law of the } quired to be done by two or
 province in which he acts } more justices of the peace, }
 may do alone
 whatever is au-
 thorized by this
 Act to be done
 by any TWO or
 more JUSTICES
 of the PEACE.

The LIMITATION of a PROSECUTION is

- | | | |
|--|---|--|
| 6 MONTHS,
in cases of

3 MONTHS
in cases of

1 MONTH,
in cases of | { | UNLAWFUL DRILLING or being unlawfully drilled, (Secs. 87, 88), or
HAVING possession of ARMS for purposes dangerous to the public peace,
(Sec. 102), or
NEWSPAPER PROPRIETOR publishing advertisement of reward for stolen
property. (Sec, 157d). |
| | | CRUELTY to ANIMALS, (Secs. 512, 513), or
RAILWAYS VIOLATING provisions relating to conveyance of cattle, (Sec.
514), or
REFUSING peace officer admission to car, etc. (Sec. 515). |
| | | IMPROPER USE of OFFENSIVE WEAPONS. (Secs. 103 and 105 to
111). |

- 2 No person shall be prosecuted, under the provisions of sec. 65 or sec. 69, for any OVERT ACT of TREASON expressed or declared BY OPEN and advised SPEAKING,
- | | | | |
|---|---|---|--|
| { | unless information of such overt act and of the words by which it was expressed or declared | } | is given upon oath to a justice of the peace within 6 DAYS after the words are spoken, |
| | a warrant for the apprehension of the offender | | and
is issued within TEN DAYS after such information is given. |

The offences for which } an ARREST *without warrant* may be made } are enumerated in sec. 552.

Part XLIV.—Compelling Appearance of Accused before Justice.—
(SECS. 553 to 576).

- | | | | | | | | |
|---------------------------|---|------------|--|--|-------------------------------|--|--|
| Magisterial Jurisdiction. | { | An offence | COMMITTED | in any water, tidal } between two or more magis- | } | may be considered as committed in any one of such jurisdictions. | |
| | | | | or | | | terial jurisdictions, |
| | | | | on the boundary | | | of two or more magisterial jurisdictions, |
| | | | | or | | | |
| An offence COM-
MITTED | { | BEGUN | within one magisterial jurisdiction, | } | and COMPLETED within another, | } | may be considered as committed in any magisterial jurisdiction through which such vehicle or vessel passed in the journey or voyage during which the offence was committed ; |
| | | | on or with respect to a mail or a person conveying mail matter, | | | | |
| | | | or | | | | |
| | | | on any person or in respect of any property in or upon any vehicle employed in a journey or on board any vessel employed on any navigable river or canal or other inland navigation, | | | | |

and

Magisterial Jurisdiction. { where the centre or other part of the road, or any navigable river, canal or other inland navigation along which the vehicle or vessel passed on such journey or voyage, is the boundary of two or more magisterial jurisdictions, } the offence may be considered as having been committed in any one of such jurisdictions.

Compelling Appearance of Accused. { A Justice may, by warrant or summons, compel the attendance, before him, of an accused for PRELIMINARY ENQUIRY, } (a) If such person is accused of having committed, anywhere what-ever, an indictable offence, } triable in the province in which such justice resides, } and if he is or is suspected to be within the limits of such justice's jurisdiction, or resides or is suspected to reside *within such limits*, } (b) If such person, wherever he may be, is accused of having committed } an indictable offence } *within such limits*; } (c) If he is alleged to have, anywhere, unlawfully received } property unlawfully obtained } *within such limits*; } (d) If he has in his possession, } any stolen property. }

When offence, committed out of Justice's Jurisdiction. { The PRELIMINARY ENQUIRY } { may be held by one justice or more than one, } { *Provided that if the accused is brought before any justice charged with an offence committed out of such justice's jurisdiction, such justice may, after hearing both sides, order the accused, at any stage of the proceedings, to be taken before some justice having jurisdiction where the offence was committed.* } { In the district of Montreal, the clerk of the Peace or Deputy clerk of the Peace has all the powers of a Justice of the peace under this Part and under Part XLV. ⁽¹⁾ }

Information or complaint. { Any one who, upon reasonable grounds, believes a person has committed an indictable offence } { may MAKE or LAY a written COMPLAINT or INFORMATION, under oath, } { before any magistrate or justice of the peace having jurisdiction to issue a warrant or summons against such accused person, in respect thereof. }

Summons or warrant. { On receiving complaint or information } { the justice, if of opinion that a case for so doing is made out } { shall issue a summons or warrant. }

(¹) This is provided by sec. 557A, added by 57-58 Vic., c. 40.

Offences on the high seas or on land beyond the sea. { When an indictable offence is committed on the HIGH SEAS or in any creek, harbor or other place within the English Admiralty jurisdiction, and Whenever any offence is committed on land BEYOND THE SEAS, for which an indictment may be preferred, or the offender may be arrested in Canada, } any justice for any territorial division in which any person charged with or suspected of having committed any such offence is or is suspected to be may issue his warrant to apprehend such person.

DESERTERS. { Every one reasonably suspected of being a deserter from Her Majesty's service } may be apprehended and brought for examination before a justice, { and, if it appear that he is a deserter, he shall be imprisoned until claimed by the Military or Naval authorities or lawfully proceeded against. }

EXECUTION OF WARRANTS. { Every warrant may be executed by arresting the accused } wherever found in the territorial division where issued, or on fresh pursuit, anywhere in an adjoining division, *within 7 miles of the border* of the first mentioned division.

EXECUTION OF WARRANTS. { A warrant may be executed by any constable named therein or by any one of the constables to whom it is directed, and } whether or not the place in which it is to be executed is within the place for which he is constable; { A warrant may be issued and executed } on a SUNDAY or statutory holiday.

ENDORSED WARRANT. { If the accused cannot be found within the jurisdiction of the justice who issued the warrant but is or is suspected to be in any other part of Canada, } then, -- upon proof of the hand writing of the justice who issued the warrant, -- any justice within whose jurisdiction the accused is or is suspected to be, shall MAKE, on such warrant, AN ENDORSEMENT authorising it to be executed within his jurisdiction.

ENDORSED WARRANT. { If the prosecutor or any of the prosecution witnesses are in the territorial division where such endorsed warrant was issued, } the constable, etc., who has apprehended the accused, may, if so directed by the justice endorsing the warrant, take him before such justice, { who may thereupon take the examination of such prosecutor or witnesses, and proceed as if he himself had issued the warrant. }

A person arrested upon a warrant { except in the case provided for in the next preceding section, -- } shall be brought, as soon as practicable, before the justice who issued it or some other justice for the same territorial division.

CORONER'S INQUISITION.

Every coroner, upon any inquisition taken before him whereby any person is charged with manslaughter or murder, shall,—

if the person affected by such verdict is not already charged with such offence before a magistrate or justice,—

by warrant, direct such person to be arrested and conveyed before a magistrate or justice.

or

such coroner may direct such person to enter into a recognizance, before him, to appear before a magistrate or justice.

In either case, the coroner shall transmit, to such magistrate or justice, the depositions taken before him,

Upon any such person being brought or appearing before any such magistrate or justice, he shall proceed in all respects as though such person had been brought or had appeared upon a warrant or summons.

Search Warrants.

Any justice satisfied by sworn information that there is reasonable grounds for believing that there is in any building, receptacle or place

(a) anything upon or in respect of which any offence has been or is suspected to have been committed,

or

(b) to believe will afford evidence as to the commission of any offence,

or

(c) to believe is intended to be used for the purpose of committing any offence against the person for which the offender may be arrested without warrant,

may issue a warrant to search such building receptacle or place for any such thing and to seize and carry it before a Justice.

A CONSTABLE or other peace officer DEPUTED by any public department

may stop, detain and arrest

any one reasonably suspected of having or conveying stolen or unlawfully obtained public stores

or

any vessel, boat or vehicle on which there is reason to suspect there are any stolen or unlawfully obtained *public stores*.

Upon a sworn complaint that any woman or girl mentioned in section 185 has been inveigled or enticed to a house of ill-fame or assignation,

a warrant may issue

TO ENTER (forcibly if necessary), such house, by *day* or *night*, and to search for and bring such woman or girl and those in whose possession she is before a Justice of the Peace or a Judge,

Searching Gaming Houses, Betting Houses, or Lotteries.	Written authority may be issued to the chief constable, deputy-chief constable, or other officer of any city, town or place,	(TO ENTER (forcibly if necessary), any house, room or place as to which such chief constable, etc., reports in writing that there are good grounds for believing that it is kept or used as a common GAMING or BETTING HOUSE, or for a LOTTERY, or for selling lottery tickets,	
		and	
		TO ARREST all persons found therein,	
		and	
" CHIEF CONSTABLE "		TO SEIZE all instruments of gaming or betting, and all money, and all lottery devices and lottery tickets.	
		(includes the chief of police, city marshal, or other head of the police force of any city, town, incorporated village, or other municipality, district or place, and, in the Province of Quebec, the high constable of the district	
		and	
		means any constable of a municipality, district or place which has no chief constable or deputy-chief constable,	
Search for Vagrants.	Upon information made before them, that any VAGRANT is or is reasonably suspected to be harbored or concealed in any disorderly house, bawdy-house, house of ill-fame tavern or boarding-house,	any stipendiary or police magistrate, mayor or warden, or any two justices of the peace may, by warrant, authorise any constable or other person,	(to ENTER such house or tavern
			and
			TO APPREHEND and bring before them every person found therein so suspected as aforesaid.

Part XLV.—Procedure on Appearance of Accused—(SECS. 577 to 607).

Enquiry.	{	When any person accused of an indictable offence is before a justice,—	{	whether <i>voluntarily</i> , or upon <i>summons</i> , or after being <i>apprehended</i> with or without warrant, or <i>while</i> in <i>custody</i> for the same or any other offence,—	}	the justice shall proceed to enquire into the matter charged against him.
Irregularities.	{	NO IRREGULARITY or DEFECT	}	in the <i>substance</i> or <i>form</i> of the <i>summons</i> or warrant,		shall affect the validity of any proceeding at or subsequent to the enquiry.
		and				
		NO VARIANCE	{	BETWEEN the charge contained in the <i>summons</i> or <i>warrant</i> and the charge contained in the <i>information</i> ,		
		or				
		{	BETWEEN <i>either</i> and the <i>evidence</i> adduced for the prosecution at the enquiry,			
If it appears to the justice	{	that the accused has been deceived or misled by such variance in any <i>summons</i> or <i>warrant</i> ,		he may ADJOURN the hearing.		

Attendance of witnesses. { The ATTENDANCE of witnesses with- } is PRO- { by summons, or, in certain
in the province } CURED { cases, by warrant.

{ Any person RESIDING in Canada *out of the pro-* } MAY BE SUMMONED by
vince, and not being within the province, and } subpoena issued by a
reasonably believed to be likely to give material } judge of a Superior
evidence for the prosecution or for the accused, } Court or County Court.

Imprisonment for contempt. { Whenever a person ap- } REFUSES to be sworn, or,
pearing upon a sum- } having been sworn,
mons or subpoena, or } REFUSES to testify, or
by virtue of a warrant, } REFUSES or neglects to
or being present and } produce any document
being verbally requir- } which he is requested to
ed by the justice to } produce, or
give evidence } REFUSES to sign his depo-
 } sitions, { without any just
 } excuse, { he may, by the
 } justice, be COM-
 } MITTED to gaol
 } until he con-
 } sents to do
 } what is requir-
 } ed of him.

DISCRETIONARY POWERS OF JUSTICE. { A justice
HOLDING } (a) PERMIT or REFUSE the prosecutor his } to ADDRESS him in sup-
a PRELI- } counsel or attorney } port of the charge ;
MINARY } (b) RECEIVE further evidence for } after bearing any evidence for
ENQUIRY } the prosecution, } the accused ;
may } (c) ADJOURN the hearing, from time to time, } PROVIDED no remand
and change the place of hearing, and may } be for more than
REMAND the accused ; } 8 clear days ;
(d) ORDER that no one, except the prosecutor } if it appears to him
and accused and their counsel and solicitor, } that the ends of
shall be in the room or building in which the } justice will be
enquiry is held, (*which shall not be an* } answered by so
open court), } doing ;
(e) REGULATE the course of the enquiry as may appear to him
desirable and not inconsistent with the provisions of this Act.

On REMANDING the } the justice may discharge him on his giving bail.
accused,

Evidence for the prosecution. { At the PRELIMINARY ENQUIRY, the justice shall take the evidence of the pro-
secution witnesses.

2. Such evidence shall be given upon oath, } who, or his lawyer shall be
in presence of the accused, } entitled to CROSS EXAMINE.

3. The EVIDENCE shall be taken down in } in the form of a deposition.
WRITING,

4. Such deposition shall, *before the accused* } the accused, the witness and
is called on for his defence, be read } the justice being all present
over to and signed by the witness and } together at such reading and
the justice, } signing.

5. The justice's } is made so as to shew that it is meant to authenticate such
signature } deposition.

Evidence for Prosecution. { 6. The depositions must be } legibly, and on one side of paper only.
written
7. PROVIDED that the evidence may be taken by a SWORN STENOGRAPHER, } and, then, it need not be read over to or signed by the witness, { but the transcript shall be signed by the justice, and be VERIFIED by an affidavit of the stenographer.

Voluntary Statement of Accused. { After the examination of the prosecution witnesses, and after the depositions have been signed as aforesaid, } the justice, — unless he discharges the accused, — { shall ask him whether he wishes the depositions to be read again, and, unless the accused dispenses therewith, shall read or cause them to be read again.

When the depositions have been again read, or their reading dispensed with, the accused shall be addressed by the justice as follows :

“ *Having heard the evidence, do you wish to say anything in answer to the charge? You are not bound to say anything, but whatever you do say will be taken down in writing and may be given in evidence against you at your trial. You must clearly understand that you have nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to you to induce you to make any admission or confession of guilt, but whatever you now say may be given in evidence against you upon your trial notwithstanding such promise or threat.*”

2. Whatever the accused then answers } and signed by the justice and kept is taken down in writing, } with the depositions.

CONFES- SION. { Nothing shall prevent } any ADMISSION or CONFESSION or other statement any prosecutor from } made, at any time, by the accused, which by law giving in evidence } would be admissible as evidence against him.

Evidence for Defence. { After completion of the above } the accused shall be asked if he wishes to proceedings, } call any witnesses.

2. Every WITNESS whom the accused } and his deposition shall be taken in calls and who testifies to any fact } the same manner as the depositions relevant to the case, shall be heard, } of the prosecution witnesses.

Dis- charge. { When all the wit- nesses on both- sides have been heard, } the JUSTICE SHALL, — { if, upon all the evidence, he is of opinion that no sufficient case is made out to put the accused on trial, — } DISCHARGE HIM.

Prosecutor may be bound over. { The prosecutor, however, may require the Justice to bind him over, and the Justice shall, thereupon, bind him over to prosecute an indictment against the accused, } who, in that case, may, by the Court, be awarded costs, { if the prosecutor fails to prefer and prosecute an indictment, or is unsuccessful,

and

the Court before which the indictment is to be tried or a judge thereof, } may order that the prosecutor be not permitted to prefer any such indictment until he has given *security for costs*.

Committal for Trial. { If the Justice thinks the evidence sufficient to put the accused on trial, } he shall COMMIT him FOR TRIAL.

Commitment of Witnesses. { Upon a sworn information that a person bound over to give evidence is about to abscond or has absconded, } he may be arrested, and, when arrested, imprisoned until he is to give evidence, } unless, in the meantime, he produces sufficient sureties.

{ A witness, who refuses to be bound over, } may be imprisoned until after the trial.

Transmission of documents. { As soon after the committal as may be, the INFORMATION, (if any), the DEPOSITIONS, and EXHIBITS, the ACCUSED'S STATEMENT, all RECOGNIZANCES, and any DEPOSITIONS taken before a CORONER and sent to the Justice } shall be TRANSMITTED to the clerk or other proper officer of the Court by which the accused is to be tried.

BAIL. { A person charged with an indictable offence punishable by imprisonment for more than FIVE years, — (other than treason or an offence punishable with death or any offence under Part IV of this Act, — } may be admitted to bail by the justice, jointly with some other justice,

and

{ if the offence is one punishable by imprisonment for LESS than FIVE years, } any ONE JUSTICE may admit the accused to bail.

BAIL after COMMITMENT. { Where the accused has been finally committed in the case of any offence, other than treason or an offence punishable with death or any offence under Part IV of this Act, — } any judge of a Superior or County Court of the district or county may order the accused to be admitted to bail on producing sufficient sureties before two justices.

{ No person accused of TREASON or an offence punishable with death or an offence under Part IV of this Act, } shall be admitted to bail, { EXCEPT by order of a Superior Court of Criminal Jurisdiction for the province in which the accused stands committed or of one of the Judges thereof, or in the province of Quebec, by order of a Judge of the Court of Queen's Bench or Superior Court.

Commitment of accused about to abscond. { When an accused has been bailed, a justice, — } upon application of the sureties and upon sworn information that the accused is about to abscond. — { MAY ISSUE his warrant to ARREST the accused, and MAY COMMIT him to gaol until his trial, or until he produces new sureties.

Part XLVI —Indictments.—(SECS. 608 to 634).

Form and Contents of Counts.	Every COUNT of an INDICTMENT	
	SHALL contain, and be sufficient } if it contains, <i>in substance</i> ,	a statement that the accused has committed some indictable offence.
	SUCH STATEMENT.	MAY BE MADE in POPULAR LANGUAGE, without technical averments or allegations of matter not essential to be proved.
		MAY BE in the WORDS of the ENACTMENT describing the offence or declaring the matter charged to be an indictable offence.
	Every COUNT shall contain	so much DETAIL of the circumstances of the alleged offence { as is SUFFICIENT to give the accused reasonable information as to the act or omission to be proved against him,
Alternative charges.	PROVIDED that the absence or insufficiency of such detail shall not vitiate the count.	
	A count may refer to any section or subsection of any statute creating the offence charged therein,	and, in estimating the sufficiency of such count, the Court shall have regard to such reference.
	Every count shall, in general,	apply only to a <i>single transaction</i> .
	A count shall NOT be deemed OBJECTIONABLE,	because it charges, in the ALTERNATIVE, several different matters, acts or omissions, which are stated in the alternative in the enactment describing the indictable offence or declaring the matters, acts or omissions charged to be an indictable offence,
UNOBJECTIONABLE GROUNDS.	OR	
	on the ground that it is double or multifarious.	
	PROVIDED that the accused may, at any stage of the trial, apply	to amend or divide any such count, { on the ground that it is so framed as to embarrass him in his defence;
	and,	
	if satisfied that the ends of justice require it,	{ the Court may order a count to be <i>amended</i> or <i>divided</i> into two or more counts.
	UNOBJECTIONABLE GROUNDS.	(a) that it does not contain the NAME of the person injured or intended or attempted to be injured, or
		(b) that it does not state who is THE OWNER of any property therein mentioned, or
		(c) that it charges an intent to defraud without naming or describing the PERSON whom it was intended to defraud, or
		(d) that it does not set out any DOCUMENT which may be the subject of the charge, or

UNOBJECTIONABLE
 GROUNDS. { No COUNT shall be deemed OBJECT-IONABLE or INSUFFICIENT on any of the following grounds; { (e) that it does not set out the WORDS USED, where words used are the subject of the charge, or
 (f) that it does not specify the MEANS by which the offence was committed, or
 (g) that it does not name or describe *with precision* any PERSON, PLACE or THING, or
 (h) in cases where the consent of any person, official, or authority is required before a prosecution can be instituted, } that it does not state that such CONSENT *has been obtained*,

PROVIDED that, if satisfied that it is necessary for a fair trial, — } the Court may order that a particular, further describing such *document, words, means, person, place or thing* be furnished by the prosecutor.

For special provisions { as to stating overt acts } in an indictment for TREASON or for any TREASON-ABLE OFFENCE,
 and
 as to setting out in an indictment the WORDS { of a LIBEL, (blasphemous, obscene or defamatory), or of any OBSCENE MATTER charged as sold or exhibited,
 and
 as to the sufficiency of counts } for PERJURY, or FALSE PRETENCES, or FRAUD, or CONSPIRACY, } see sections 614, 615 and 616.

PARTICULARS. { When a PARTICULAR is delivered, { a copy is given to the accused or his solicitor, } and it is entered in the record,
 and
 the trial proceeds as if the indictment were amended in conformity with such particulars.

In an indictment for the offence of PRETENDING TO SEND MONEY, etc., by post, } it is not necessary to allege that the act was done with intent to defraud.

Sufficiency of Indictments. { An INDICTMENT is deemed SUFFICIENT { (a) If it be necessary to name the JOINT OWNERS of any real or personal property, whether they be partners, joint tenants, parceners, tenants in common, joint stock companies, or trustees, } and it is alleged that the property belongs to one who is NAMED and another, or others, as the case may be;
 (b) If it is necessary for any purpose to mention SUCH PERSONS, } and one only is NAMED;
 (c) If the property in a TURNPIKE ROAD is laid in the trustees or commissioners thereof, } NAMES of such trustees or commissioners
 (d) If the offence is committed in respect of property occupied or managed by any PUBLIC OFFICER or COMMISSIONER, } and the property is alleged to belong to such officer or commissioner without giving his NAME;
 (e) If, for an offence under section 334, { the OYSTER BED, laying or fishery is described by NAME or otherwise, without stating it to be in any particular county or place.

Body corporate. { All property, real or personal, legally managed, controlled or in custody of any BODY CORPORATE } is,—for the purpose of any indictment for any offence committed in respect thereof,— } deemed to be the property of such body corporate.

For special provisions { as to indictments { for STEALING *ores or minerals*
or
for any offence in respect of *postal cards, postage stamps or other stamps* or of *mailable matter*,
or
for any THEFT by any *public employee*,
and
as to LAYING } the OWNERSHIP of the property in respect of which the offence is committed, } see sections 621, 622, 623 and 624.

An indictment for { THEFT by a TENANT or LODGER } may be preferred in the same form as if the offender was not a tenant or lodger, } and the property may be laid in the owner or person letting to hire.

Joinder of several counts. { ANY NUMBER of COUNTS may be JOINED in the same indictment, } PROVIDED that, to a count charging MURDER, no count charging any offence other than murder shall be joined.
2. Where there are more counts than one in an indictment, } each count may be treated as a separate indictment.
3. The Court may } that the accused shall be tried upon any one or more of direct } such counts separately.
The counts not then tried } shall be proceeded upon as if they had been found in a separate indictment.
4. PROVIDED that, unless there be special reasons, { no order shall be made preventing the trial at the same time of any number of distinct charges of theft, *not exceeding three*, alleged to have been committed *within six months* from the first to the last of such offences, whether against the same person or not.

Accessories after the fact and Receivers. { Every one charged with being an ACCESSORY AFTER THE FACT to any offence
or
with RECEIVING stolen property } may be indicted, whether the principal offender has or has not been indicted or convicted, or is or is not amenable to justice
and
such accessory may be indicted } either as for a substantive offence,
or
jointly with the principal or other offender.

Accessories after the fact and Receivers. { 2. When any property has been stolen.
 any number of receivers, at different times, of such property, or of any part or parts thereof, } may be charged with substantive offences in the same indictment, and may be tried together, { whether the person by whom the property was obtained is or is not indicted with them, or is or is not in custody or amenable to justice,

Objections to an Indictment. { EVERY OBJECTION to any indictment, for any defect apparent on its face, shall be taken by DEMURRER } before the defendant has { and not afterwards, except or MOTION to quash the indictment, } pleaded, { by leave of the Court or Judge,
 and
 the Court may, if it is thought necessary, cause the indictment to be forthwith amended, } and thereupon the trial shall proceed as if no such defect had appeared ;
 and
 no motion in arrest of judgment shall be } for any defect in the indictment which might have been taken advantage of by demurrer or have been amended.

Time to plead. { The Court } and give an accused further time to plead or demur or to prepare for his defence, or otherwise.

Special Pleas. { The following are the only SPECIAL pleas that may be pleaded, viz : } AUTRE FOIS ACQUIT, AUTRE FOIS CONVICT, PARDON, and,— in cases of defamatory libel,—JUSTIFICATION.

{ All other grounds of defence } may be relied on { under the plea of NOT GUILTY.

Autrefois acquit, and Autrefois convict. { When an indictment charges substantially the same offence as that charged in the indictment on which the accused was given in charge on a former trial, } but adds a statement of intention or circumstances of aggravation tending, if proved, to increase the punishment, { the previous acquittal or conviction shall be a bar to such subsequent indictment.
 A PREVIOUS CONVICTION } shall be a bar to a SECOND INDICTMENT for the same homicide charged as MANSLAUGHTER ;
 and
 a PREVIOUS CONVICTION or ACQUITTAL on an indictment for manslaughter } shall be a bar to a SECOND INDICTMENT for the same homicide charged as MURDER.

Justification of Libel.	Every one accused of publishing a defamatory libel,	
	MAY PLEAD { that the defamatory matter published by him was true, } and { that it was for the public benefit that the matters charged should be published in the manner and at the time when they were published.	
	Every such plea { the particular fact or facts by reason of which it was for the public good that such matters should be so published.	
Defences in Libel Cases.	The truth of the matters charged in an alleged libel shall not be enquired into { without such plea of JUSTIFICATION, { unless the accused is tried on an indictment or information for publishing the libel KNOWING it to be false, and, then, evidence of the truth may be given so as to negative the allegation that the accused KNEW the libel to be false.	
	In addition to justification, the accused may plead NOT GUILTY, } and { such pleas shall be enquired of together.	

Part XLVII.—Corporations.—(SECS. 635 to 639).

Indictments against Corporations.	Every Corporation against which a bill of indictment is found, shall appear by attorney, and plead or demur thereto.	
	When an indictment is found against a Corporation,	
	there may be served on the mayor or chief clerk of such Corporation or its clerk or secretary, { a notice stating the nature and purport of such indictment and that unless the Corporation appears and pleads thereto, within two days, a plea of not guilty will be entered and the trial proceeded with as if the Corporation had appeared and pleaded thereto.	
Indictments against Corporations.	If such Corporation does not appear and plead or demur within the time specified in such notice, { the presiding judge, on proof of service of the notice may order the entry of a plea of "not guilty," { which shall have the same effect as if the Corporation had appeared by attorney and pleaded such plea.	
Trial.	{ Whether it appears and pleads, or a plea of "not guilty," is entered by the Court, } the trial may proceed in the defendant's absence, as if the Corporation had appeared and defended.	

Part XLVIII.—Preferring Indictment—(SECS. 640 to 648).

Jurisdiction.	Every Court of Criminal Jurisdiction is,—subject to the provisions of Part XLII,—competent to try all offences wheresoever committed, { if the accused is found or apprehended or is in custody within its jurisdiction or has been committed for trial to or ordered to be tried before such court.	
	But no Court in one province shall try any offence committed entirely in another province, { EXCEPT that every proprietor, publisher, editor or other person, charged with publishing, in a newspaper, a defamatory libel, shall be tried and punished in the province where he resides or in which the newspaper is printed.	

Basis of Indictment.	Any one bound over to prosecute any person,		
	MAY PREFER an indictment	{ for the charge or for any charge }	{ ON WHICH the accused has been COMMITTED for TRIAL, or IN RESPECT OF WHICH the PROSECUTOR is BOUND OVER, or FOUNDED upon the facts or evidence disclosed in the depositions taken before the Magistrate.
	Before he is given in charge to the jury,	{ the ACCUSED may MOVE to QUASH } { any count NOT FOUNDED on such facts or evidence, }	{ and such count, if not so founded, shall be quashed ;
and			
	If, during the trial, it appears that any count is not so founded and that its remaining may cause injustice to the accused,		
	{ the Court may quash such count.		
Preferring Indictment, with consent of Attorney-General or by order of Court.	2. The Attorney-General, or any one by his direction, or		
	ANY ONE	{ with the written consent OF A JUDGE of any Court of criminal jurisdiction, or OF THE ATTORNEY-GENERAL	{ may prefer a bill of indictment for any offence before the Grand Jury of any Court specified in such consent ;
	and		
	ANY PERSON	{ may prefer a bill of indictment before any Court of Criminal jurisdiction, }	{ by ORDER of such COURT.
	3. It shall not be necessary to state such consent or order in the indictment.		
	An objection to an indictment for want of such consent or order	{ must be taken by PETITION to QUASH, }	{ before the accused is given in charge to the Jury.
	4. No bill of indictment shall be preferred, }		
	EXCEPT AS AFORESAID.		
	No one shall be TRIED, }		
	upon a CORONER'S INQUISITION.		
Witnesses before the Grand Jury.	Witnesses before the Grand Jury, { may be SWORN by the FOREMAN.		
	{ The name of every witness examined or intended to be examined shall be endorsed on the bill of indictment, }	and	{ the foreman of the Grand Jury shall write his initials against the name of each witness sworn by him and examined touching the bill of indictment.
Bench Warrant.	{ When any one, against whom an indictment is duly found and who is then at large, does not appear to plead to such indictment, }		
	{ a warrant to apprehend him may be issued and executed in any part of Canada.		

Part XLIX.—Removal of Prisoners.—Change of Venue.—
(SECS. 649 to 651.)

See sections 649 and 650,

for special pro- { for the removal of } on account of the insecurity or unfit-
visions { prisoners } ness of a gaol, etc.

CHANGE OF VENUE. { When it is expedient to the ends of Justice that a trial of an indictable offence should be held in some district, county or place, other than that in which it is supposed to have been committed or would otherwise be triable,
the Court before which } { the accused is } { indicted { may, at } { any term } { or sitting } { thereof, } { either before } { or after the } { presentation } { of a bill of } { indictment, } { order the trial to } { be proceeded } { with in some } { other district or } { county or place } { in the same pro- } { vince.
or } { is liable to be } { any judge, who might hold } { may, at any } { other time, } { or sit in such court, }

Part. L.—Arraignment.—(SECS. 652 to 658).

Objection to Grand Jury. { An OBJECTION to the CONSTITUTION of the GRAND JURY } { MAY BE taken by MOTION } { if the Court is of opinion BOTH that } { the objection is well founded, and } { that the accused suffers prejudice, } { thereby, BUT NOT OTHERWISE.
and } { THE INDICTMENT shall be QUASHED, }

ARRAIGNMENT. { The accused } { GUILTY or NOT GUILTY or any of the SPECIAL PLEAS hereinbefore } { may plead } { provided for.
If the ac- } { wilfully refuses to plead, } { the Court may order a plea of NOT } { cused } { or } { GUILTY to be entered.
will not answer directly, }

Part. LI.—Trial.—(SECS. 659 to 741).

Accused entitled to full defence, etc. { Every accused shall be } { admitted } { to make FULL DEFENCE by counsel ;
and } { shall be entitled to be PRE- } { SENT in Court during the } { unless he *misconducts* himself by so inter- } { rupting the proceedings that their contin- } { uance in his presence is impracticable
and } { he may be permitted to } { be OUT OF COURT, } { during the trial } { on such terms as the Court } { thinks proper.

Addressing the Jury. { If an accused is } such counsel shall, at the end of the prosecution's case,
 defended by } declare whether he intends to adduce evidence on behalf
 counsel, } of the accused ;
 and
 if he does not then announce his } the COUNSEL for the PROSECUTION may
 intention to adduce evidence, } address the jury by way of SUMMING UP.
 Upon every trial for an in- } he or his counsel shall be allowed, if he thinks
 dictable offence, whether } fit, to open his case, and after concluding such
 the accused is defended } opening, to examine witnesses, and then to
 by counsel or not, } sum up the evidence.
 If no witnesses are } the ACCUSED'S COUNSEL shall { otherwise such right
 examined for the } have the privilege of AD- { belongs to the pro-
 defence, } DRESSING the jury LAST : } secuting counsel.
 Provided that the RIGHT of } to the ATTORNEY-GENERAL or SOLICITOR-
 REPLY shall be always al- } GENERAL or to any counsel acting on
 lowed } behalf of either of them.

In any province where the panel of Grand } SEVEN grand jurors, *instead of*
 Jurors is not more than THIRTEEN, } *twelve* may FIND a TRUE BILL.⁽¹⁾

No ALIEN { shall be entitled to a jury *de* } but shall be tried as if he were a
medietate lingue, } natural born subject.

MIXED JURIES. { In those districts of QUÉBEC PROVINCE } he shall, in his re- (and the names of
 where the Sheriff must, by law, re- } turn specify, SE- { the jurors so
 turn a panel of petit jurors, com- } PARATELY, the { summoned shall
 posed *one half* of persons *speaking* } jurors speaking } be called ALTER-
English and *one half* of persons } *English* and those } NATELY from
speaking French, } speaking *French,* { such lists.
 When any person, arraigned in MANITOBA,
 DEMANDS a jury composed } he shall be tried by a jury composed *one half*
one half, at least, of per- } at least of the PERSONS whose names stand
 sons skilled in the lan- } first in succession on the general panel, and
 guage of the defence,— } who, on appearing and not being challenged,
 whether *English* or } are found SKILLED in the LANGUAGE of the
French, } DEFENCE.

(1) This is provided for by an amendment, to section 662, made by 57-58 Vic., c. 57.

CHALLENGING THE ARRAY.

The ACCUSED or the PROSECUTOR MAY CHALLENGE the ARRAY {for CAUSE of *partiality* of the sheriff or his deputies by whom the panel was returned, {but on no other ground.
fraud or wilful misconduct

The OBJECTION {SHALL BE made in writing, and SHALL STATE that the person returning the panel was *partial or fraudulent*, or *wilfully misconducted* himself, as the case may be.

If the ground of challenge is denied {the Court shall appoint any two indifferent persons to try whether the alleged ground of challenge is true or not.

If the triers find that the alleged ground of challenge is true in fact, or {if the party not challenging the court shall direct a new panel to be returned.
 the array admits that the ground of challenge is true in fact,

CALLING THE PANEL.

If the array is NOT challenged or If the triers find AGAINST the challenge, {the officer of the Court shall CALL the names of the JURORS, in the following manner;

The NAME of each JUROR, with his NUMBER on the panel and the place of his abode, {shall be WRITTEN on such cards being all a distinct PIECE of as nearly as may be, of an equal size, CARD,

The CARDS {shall be delivered to the officer of the court by the sheriff or other officer returning the panel, and, {under the direction and care of the officer of the court, shall be PUT TOGETHER in a BOX to be provided for that purpose and be SHAKEN TOGETHER.

The OFFICER of the Court {SHALL, in open court, DRAW OUT the said cards one after another, and {until such a number of persons have answered to their names as, in the opinion of the Court, will probably suffice to provide a full jury after allowing for challenges and directions to stand by.

The OFFICER of the Court SHALL then SWEAR the JURORS {in the order in which their names are so drawn {until, after subtracting all challenges allowed and jurors stood aside, 12 JURORS are SWORN.

If the number answering will not provide a full jury, {the officer shall draw further names from the box and call them as aforesaid, {until, after challenges allowed and directions to stand by, twelve jurors are sworn.

CALLING the PANEL.

If by challenges and directions to stand by the panel is exhausted without leaving sufficient to form a jury, } THOSE directed to STAND BY shall be *again called* in the order in which they were drawn, and shall be sworn, { UNLESS challenged by the accused, or UNLESS the prosecutor challenges them and shews cause why they should not be sworn.

PROVIDED, that, if before any such juror is sworn, other jurymen in the panel become available, } the prosecutor may require their names to be put into and drawn from the box as hereinbefore prescribed, { and such jurors shall be sworn, challenged or ordered to stand by, as the case may be, before the jurors originally stood aside are again called.

The TWELVE MEN ultimately sworn } shall be the JURY to try the indictment, { and their names shall be kept apart until they give in their verdict, or are discharged ;

and

then, the names shall be returned to the box, there } to be kept with the other names remaining then { and so *toties quoties* as long as any issue remains to be tried.

CALLING the PANEL.

PROVIDED that when the prosecutor and the accused do not object thereto, { the Court may try any issue with the same jury that has previously tried or been sworn to try any other issue without their names being returned to the box and redrawn,

or

if either of the parties objects to some one or more of the jurors forming such jury } then, the Court may order such persons to withdraw, and may direct the requisite number of names to make up a complete jury to be drawn and sworn. {

An OMISSION to follow the *directions* of this section { SHALL NOT affect the validity of the proceedings.

Peremptory challenges by the accused.

{ The ACCUSED is entitled, { IN cases of TREASON or of any OFFENCE punishable with death, } to twenty { IN the case of any OFFENCE punishable with imprisonment for 5 YEARS or more, (and not being treason or an offence punishable with death), } to twelve { IN the case of any OTHER OFFENCE, } to four { PEREMPTORY CHALLENGES.

CHALLENGING JURORS
for CAUSE.

- Every PROSECUTOR and every ACCUSED is entitled to ANY NUMBER of CHALLENGES on any of the following grounds, viz :
- (a) that ANY JUROR'S NAME does NOT appear in the panel ;
 - PROVIDED that no *misnomer* or *misdescription* shall be a ground of challenge, if the description in the panel sufficiently designates the persons referred to ;
 - or
 - (b) that ANY JUROR is NOT INDIFFERENT { between the Queen and the accused ;
 - or
 - (c) that ANY JUROR has been CONVICTED of an offence for which he was sentenced to death or imprisonment with hard labor or exceeding twelve months ;
 - or
 - (d) that ANY JUROR is an ALIEN.

No OTHER ground of CHALLENGE shall be ALLOWED.

Trial of Challenges for Cause.

- If the ground of challenge is that the JURORS' NAMES do NOT appear in the panel, the same shall be TRIED by the Court on the *voir dire* by the inspection of the panel and such other evidence as the Court thinks fit to receive.
- If the GROUND of CHALLENGE be OTHER than as LAST AFORESAID,
- the TWO JURORS last sworn, or, if no jurors have been sworn, then TWO PERSONS whom the Court may APPOINT for that purpose, SHALL BE SWORN TO TRY { whether the Juror objected to STANDS INDIFFERENT between the Queen and the accused, or HAS BEEN CONVICTED, or is an ALIEN, } as aforesaid, as the case may be.
- If the Court or the triers find AGAINST the challenge, } the JUROR shall be SWORN.
- If they find FOR the challenge, } he shall NOT be sworn.
- If, after what the Court considers a reasonable time, the triers cannot agree, { the Court may discharge them from giving a verdict, and may direct other persons to be sworn in their place.

The Crown's per-
emptory challenges,
etc.

- { The Crown shall have power to challenge FOUR JURORS PEREMPTORILY, and { may DIRECT any NUMBER of jurors, not peremptorily challenged by the accused, to STAND BY, until all the jurors have been called who are available for the purpose of trying that indictment.
- { The accused may be called upon to declare whether he challenges any jurors peremptorily or otherwise, { BEFORE the prosecutor is called upon to DECLARE whether he requires such juror to STAND BY or CHALLENGES him either FOR CAUSE or PEREMPTORILY.

LIBEL CASES. { The RIGHT of the Crown to STAND jurors ASIDE } shall NOT be exercised on the trial of any indictment or information by a private prosecutor for the publication of a DEFAMATORY LIBEL.

Challenging Mixed Jurors. { Whenever a person accused of an offence, for which he would be entitled to twenty or twelve peremptory challenges, ELECTS to be tried by a MIXED JURY, } the number of his PER-EMPTORY CHALLENGES shall be divided, { so that he shall only have the right to challenge one half of such number from among the English speaking jurors and one half from among the French speaking jurors.

Challenges in Joint Trials. { If SEVERAL ACCUSED persons are JOINTLY indicted, and it is proposed to try them together, } they or any of them may either JOIN in their CHALLENGES, in which case the persons so joining shall have only as many challenges as a single person would be entitled to, { or EACH may make his CHALLENGES in the same manner as if he were intended to be tried alone.

ORDERING A TALE. { Whenever, after the proceedings herein before provided, the panel has been exhausted, and a complete jury cannot be had by reason thereof, } then, upon request made ON BEHALF OF THE CROWN, { the court may order the sheriff or other proper officer forthwith to summon such number of persons, whether qualified jurors or not as the Court deems necessary and directs in order make a full jury ; }
and
such jurors may,, if necessary, be summoned *by word of mouth.*

2. The names of the persons } shall be added to the GENERAL PANEL, for so summoned } the purposes of the trial.

KEEPING JURY TOGETHER. { Upon every adjournment of a trial } the Court MAY DIRECT that, during the adjournment, the JURY shall be KEPT TOGETHER and prevented from communicating with any one on the subject of the trial.
Such direction } SHALL be given } in all CAPITAL CASES.
In OTHER CASES, if no such } direction is given, } the JURY shall be permitted to SEPARATE.

Jurors, after being sworn, are allowed, before giving their verdict, the use of FIRE and { shall also allowed REASONABLE REFRESHMENT.

EVERY WITNESS duly subpoenaed to give evidence at any criminal trial before any Court of criminal jurisdiction } MUST ATTEND and remain in attendance throughout the trial.

As to ARRESTING, DETAINING and PUNISHING } WITNESSES failing to attend, etc, } see sec. 678.

A witness residing in Canada, OUT of the ORDINARY JURISDICTION } may be subpoenaed and dealt with as if resident within its jurisdiction.

As to procuring a prisoner's attendance }
as a witness, } see sec. 680

Examination of witnesses under commission.

Whenever the CROWN or the ACCUSED proves that any person dangerously ill and not likely, in the opinion of some licensed medical practitioner, to recover, is able and willing to give material information relating to any indictable offence or to any person accused thereof, a Judge of a Superior Court, or a judge of a county court having criminal jurisdiction may appoint a commissioner to take the deposition of such person.

Whenever a prisoner in actual custody receives notice of an intention to take such deposition, the judge who appointed the commissioner may direct the prisoner to be conveyed to the place appointed for taking it.

At the instance of the CROWN or of the ACCUSED, Commissioners may be appointed to take evidence OUT of Canada.

The depositions so } MAY BE USED as evidence as well before the GRAND taken } JURY as at the trial. (1)

Evidence of one witness not sufficient in certain cases.

With regard to the offences of

(a) TREASON, section 65,
(b) PERJURY, section 146,
(c) Offences under Part XIII, sections 181 to 190, viz: SEDUCTION, DEFILEING FEMALES, CONSPIRACY TO DEFILE, CARNALLY KNOWING FEMALE IDIOTS, etc., and PROSTITUTION OF INDIAN WOMEN,
(d) PROCURING FEIGNED MARRIAGES, section 277, and
(e) FORGERY, section 423,

no person accused of any of them shall be convicted on the evidence of ONE WITNESS, unless CORROBORATED in some material particular by evidence implicating the accused.

Evidence of child.

Where, at the hearing or trial of a charge for carnally knowing or attempting to carnally know a girl under 14, or for indecent assault, the girl, in respect of whom the offence is charged to have been committed or any child of tender years offered as a witness, does not understand the nature of an oath,

the EVIDENCE of such girl or other child MAY BE RECEIVED *though not given upon oath*,
if,
in the opinion of the Court or of the justices, as the case may be, such girl or other child is POSSESSED of sufficient intelligence to justify the reception of the evidence and UNDERSTANDS the duty of speaking the truth.

2. But no person shall be convicted, unless the testimony so admitted on behalf of the prosecution is CORROBORATED by some other material evidence in support thereof *implicating the accused*.

3. Any witness, whose evidence is admitted under this section, is liable to indictment and punishment for perjury as if he or she had been sworn.

(1) Added to sec. 683 by 58-59 Vic., c. 40.

Reading Deposition at Trial. { the evidence of a sick person examined under a } if such person is DEAD or commission may be read in evidence at the } NOT ABLE to attend at trial } the trial.

A deposition taken at a PRELIMINARY ENQUIRY may be read at the trial as evidence in the prosecution, { if it is proved { that the person who made it is DEAD, or SO ILL as not to be able to travel, or is ABSENT from Canada, and that the deposition was taken in the presence of the accused, and that he, his counsel or solicitor had a full opportunity to cross examine the witness.

Depositions taken in the preliminary or other investigation of any charge } may be used as evidence in a prosecution of ANY OTHER OFFENCE, upon the like proof as in the prosecution of the offence in which the deposition was taken.

Accused's Statement. { (The ACCUSED's statement before the justice may, if necessary, upon the trial, be given in evidence against him, without further proof thereof, unless it is proved that the justice purporting to sign it did not sign it.

Admission at Trial. { (An accused person, ON HIS TRIAL for any indictable offence, or his counsel or solicitor, may admit any fact alleged against him, so as to dispense with proof thereof.

As to proof, in a PERJURY case, of the indictment and trial at which the perjury was committed } see sec. 691.

As to method of proving a COIN to be FALSE and COUNTERFEIT, and As to evidence on the trial of a charge of ADVERTIZING COUNTERFEIT MONEY, } see secs 692 and 693.

As to proving a CONVICTION of an indictable or summary offence, } see sec. 694.

A witness may be asked if he has been convicted of any offence, } and { if, on being so questioned, he DENIES the fact, or WILL NOT ANSWER directly, } the opposite party may prove such conviction

Evidence on Trial for Child Murder. { (The trial of a woman charged with the murder of any issue of her body which being born alive would, by law, be bastard, shall proceed and be governed by the like rules of evidence and presumption as are by law used and allowed in other trials for murder.

Comparison of writings. { (Comparison of a disputed writing with any writing proved to be genuine, and such writings and the evidence respecting the same, } may be permitted to be made by witnesses; } may be submitted to the Court and Jury } as evidence of the genuineness or otherwise of the writing in dispute.

Contradicting a party's own witness. { A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character ;
but
if, in the Court's opinion, the witness proves ADVERSE,
such party may CONTRADICT him by } or { by leave of the } may prove that the witness made
other evidence, { Court, } at other times a statement inconsistent with his present testimony;
but
before such proof can be given, { the CIRCUMSTANCES of the SUPPOSED STATEMENT sufficient to designate the particular occasion shall be mentioned to the witness, } and he shall be asked whether or not he did make such statement.

A witness' former written statement. { A witness may be CROSS-EXAMINED } as to previous statements made by him in writing, or reduced to writing, relative to the subject } *without such writing being shown to him,*
but
if it is intended to contradict the witness by the writing, { his attention MUST, before such contradictory proof can be given, BE CALLED to the parts of the writing which are to be used to contradict him ;
and
the Judge, at any time during the trial, may require the production of the writing for his inspection, } and, { thereupon, may use it in the trial as he thinks fit.

Proof of a witness' contradictory statement. { If.—UPON CROSS-EXAMINATION as to a witness' former statement relative to the subject matter of the case and inconsistent with his present testimony, } the witness DOES NOT distinctly ADMIT making such statement, } proof may be given that he did in fact make it ;
but,
before such proof can be given { the CIRCUMSTANCES of the SUPPOSED STATEMENT sufficient to designate the particular occasion shall be mentioned to the witness, } and he shall be asked whether or not he did make such statement.

As to EVIDENCE of a place being { a COMMON GAMING HOUSE } { see sections 702 and 703 ;

and

As to evidence of GAMING IN STOCKS, see sec. 704.

As to EVIDENCE of { in certain LIBEL CASES for PUBLISHING the ACCUSED'S GOOD FAITH } { EXTRACTS from PARLIAMENTARY or LEGISLATIVE papers, } { see sec. 705 ;

and

As to EVIDENCE in POLIGAMY cases, see sec. 706.

As to EVIDENCE of } ORES or MINERALS, and } see secs. 707 and 708.
STEALING } TIMBER,

and

As to EVIDENCE } RELATING to PUBLIC STORES and OF FRAUDU- { see secs. 709
in cases } LENT MARKS on merchandise, { and 710.

Full offence charged.—Attempt proved,—and *vice versa*, {
When the COMPLETE } COMMISSION of the of- } but { the evidence estab- } the accused may be
fence charged is NOT } proved, } lishes an ATTEMPT } convicted of such
} } to commit the of- } attempt;
and
When an ATTEMPT to } commit an offence } but { the evidence shews } the accused shall NOT be
is charged, } } the COMMISSION of } entitled to ACQUITTAL, but
} } the full offence, } he may be CONVICTED of
the ATTEMPT;
unless the Court thinks fit to DISCHARGE the JURY from giving any verdict upon such trial and to DIRECT the accused to be INDICTED for the COMPLETE OFFENCE.
2. PROVIDED that, after } the ACCUSED shall NOT be LIABLE to be TRIED
a CONVICTION for such } AGAIN for the offence which he was charged
ATTEMPT, } with attempting to commit.

Full offence charged.—Par t only proved {
Every count shall be deemed DIVISIBLE,
and
if the COMMISSION of the offence } the accused MAY BE CONVICTED of ANY
charged, as described in the enact- } OFFENCE so INCLUDED which is
ment creating the offence or as } proved, although the whole offence
charged in the Count. INCLUDES } charged is not proved, or
the COMMISSION of ANY OTHER } he MAY BE CONVICTED of an ATTEMPT
OFFENCE, } to commit any offence so included;
2. PROVIDED that on a Count charging MURDER,
if the evidence proves } the jury may find the } but SHALL NOT on that Count,
MANSLAUGHTER but } accused NOT GUILTY of } FIND the accused, GUILTY of
not MURDER } MURDER, but GUILTY } any other offence;
of MANSLAUGHTER }

Conceal- ing Birth {
A person tried for the MURDER of a CHILD } may be convicted
and ACQUITTED thereof, } of
CONCEALMENT of BIRTH.

Joint Receivers. Guilty knowledge. {
For special provisions }
as to the trial of JOINT RECEIVERS }
and } see sections 715 to 717.
as to proof of accused's KNOWLEDGE of }
property being stolen }

For special provisions { as to proof,—in COINAGE cases,—of the resemblance of the alleged } see sec.
counterfeit to the lawful coin, } 718 ;
and
{ as to the giving of a GENERAL or SPECIAL verdict in a LABEL } see sec. 719.
case,

IMPOUNDING { Whenever any FORGED or FRAUDULENTLY } the court may
DOCUMENTS. { ALTERED document is admitted in evi- } direct it to be
dence, } impounded.

DESTROYING { FALSE or COUNTERFEIT COINS produced } may be ordered to be
COUNTER- { on any trial for an offence against } CUT in pieces, in
FEIT COIN. { Part XXXV } open Court.

VIEW. { On any trial for } the Court may direct that the Jury shall have a
{ any offence, } VIEW of any place, thing or person.

If, on any trial, there ap- } the Court may,—*if of opinion that the accused*
pears to be a VARIANCE } has not been misled or prejudiced in his de-
between the evidence } fence by such variance,—AMEND the indict-
given and any count of } ment so as to be conformable with the proof.
the indictment.

If an indictment is preferred under a wrong } the Court,—*if of opinion*
Act or OMTS to STATE or DEFECTIVELY } *that the accused has NOT*
STATES any thing requisite to constitute the } *been misled or prejudiced*
offence, } *in his defence by such er-*
but } *ror or omission, — shall*
the matter omitted is PROVED by the evidence, } amend the indictment as
may be necessary.

In either of the } the trial shall proceed as if the indictment had been origi-
above cases. } nally framed as amended.

PROVIDED that, if the Court IS *of opinion that the* } the Court may make
accused has been misled or prejudiced in his de- } the amendment and
fence, but that the effect of such misleading or pre- } adjourn or postpone
judice might be removed by adjourning or postpon- } the trial.
ing the trial,

The propriety of making or refusing to make any such } is a question for the
amendment } Court ;

and

the DECISION of the Court upon it MAY BE RESERVED for } like any other de-
the Court of Appeal, or may be brought before the } cision on a point
Court of Appeal, } of law.

Jury retiring to consider their verdict. { If the Jury retire to consider their verdict. } they shall be kept under the charge of an officer of the Court in some private place,
and
no person other than the officer in charge of them shall be permitted to speak to or communicate in any way with any of the Jury, } *without the leave of the Court.*
2. Disobedience to the directions of this section shall not affect the validity of the proceedings,
Provided that, if such disobedience is discovered before the Jury's verdict is returned, } the Court,—*if of opinion that such disobedience has produced substantial mischief*,—may DISCHARGE the Jury and DIRECT a new jury to be sworn or empanelled, during the Sitting, or may postpone the trial.

Jury not agreeing. { If the Jury CANNOT AGREE upon their verdict, } the Court may DISCHARGE them, and direct a new jury to be empanelled, or may postpone the trial.
2. No Court shall review the exercise of this discretion.

The TAKING of the VERDICT of the Jury or other proceeding of the Court shall NOT be invalid } by reason of its happening on a SUNDAY

Suspending execution on a pregnant woman. { If SENTENCE of DEATH is passed upon a woman, } she may move in ARREST } on the ground that she is PREGNANT ;
and
then, one or more registered medical practitioners shall be sworn to examine her, and
if, upon the report of any of them, it appears that she is with child of a quick child, } execution shall be arrested till she is delivered of a child or until it is no longer possible in the course of nature that she should be delivered.

The jury *de ventre inspiciendo* is abolished.

Nolle Prosequi. { After an indictment is found and before judgment thereon, } the proceedings may be STAYED by the Attorney-General, who may DELEGATE this power to any counsel nominated by him.

Motion in Arrest of Judgment.	If the accused is { the presiding Judge shall ask him whether he has any- FOUND GUILTY or { thing to say why sentence should not be passed on PLEADS GUILTY, { him according to law ;	
	but	
	the OMISSION so to ask { shall have no effect on the validity of the pro- him, { ceedings.	
	Before sentence, the accused { on the ground that the INDICTMENT does NOT, may MOVE in ARREST OF { (after any amendment of it legally made), JUDGMENT, { STATE any indictable offence.	
	The Court { either HEAR and DETERMINE the } or { reserve it for the may { matter during the same sittings, } Court of Appeal.	
Judgment not arrested for formal defects.	If the Court decides in favor of the { he shall be DISCHARGED from that in- accused, { dictment.	
	If no such motion is made or { THE COURT may SENTENCE the accused during the sittings of the Court, or IT MAY, in its discretion, DISCHARGE him, on his own if the Court decides against the accused { recognizance or on that of sureties, or both, to appear upon the motion, { and receive judgment at some future time or when called upon.	
	JUDGMENT after { FOR WANT of a SIMILITER,—nor verdict, upon an { BY REASON that the jury process has been awarded indictment for { to a wrong officer upon an insufficient suggestion, any offence { —nor against this Act, { FOR any MISNOMER or misdescription of the officer shall not be STAY- { returning such process or of any of the jurors,—nor ED or REVERSED, { BECAUSE any person has served upon the jury who was not returned as a juror ;	
INSANITY.	and	
	where the offence charged is an offence created by any statute or subjected to a greater degree of punishment by any statute,	{ the INDICT- MENT SHALL, after verdict, BE HELD SUFFICIENT, { IF IT DESCRIBES the offence in the words of the statute creating the offence or prescribing the punishment, although they are <i>disjunctively stated</i> or appear to <i>include more than one offence</i> , or otherwise.
INSANITY.	If the jury acquit a person of an indictable offence ON ACCOUNT of his INSANITY when the offence was committed,	
	{ the Court shall order such person to be KEPT in STRICT CUSTODY, until the pleasure of the Lieutenant-Governor is known.	
	If after the indictment is found and before verdict THERE APPEARS to the Court sufficient reason to doubt whether the accused is then, <i>on account of insanity</i> , capable of conducting his defence,	
INSANITY.	{ the Court may direct that an issue be tried whether the ac- cused is or is not, then, on <i>account of insanity</i> , unfit to take his trial.	
	If the verdict on this issue is that the accused is NOT then UNFIT to take his trial,	
INSANITY.	{ the arraignment or the trial shall proceed as if no such issue had been directed.	

INSANITY. { If the verdict is that } the Court shall order the accused to be KEPT in CUS-
 he IS UNFIT on ac- } TODAY, till the pleasure of the Lieutenant-Governor
 count of insanity, } is known.

No such proceeding shall prevent the accused being afterwards tried on such indictment.

As to the Lieutenant- } over ACCUSED PERSONS so found to be } see secs. 740
 Governor's powers } INSANE and over INSANE PRISONERS, } and 741.

Part LII.—Appeal.—(SECS. 742 to 751).

APPEAL TO THE COURT OF APPEAL. AN APPEAL to the Court of Appeal

from the VER- { of ANY COURT or JUDGE hav- } on the trial of { SHALL LIE,
 DICT OR JUDG- } ing criminal jurisdiction } any person } on the ap-
 MENT { or } for an indict- } plication
 { of a MAGISTRATE proceeding } able offence, } of such
 { under sec. 785, (1) } } person, IF
 { } } CONVICTED,

in the cases hereinafter provided for, AND IN NO OTHERS.

Whenever the Judges of the Court of Appeal are UNANIMOUS } their decision
 in deciding an appeal brought before such Court, } shall be FINAL.

If any of the Judges DISSENT from } an appeal SHALL LIE, from such deci-
 the opinion of the majority, } sion, to the SUPREME COURT of Canada.

RESERVED CASE { The COURT may, either during } any QUES- { ARISING either on the trial or on
 or after the trial, RESERVE, } TION of { any proceedings preliminary
 for the opinion of the Court } LAW { subsequent or incidental there-
 of Appeal, } { to, or ARISING out of the direc-
 { } { tion of the Judge.

The PROSECUTOR or { may, { during the trial, either } apply to the Court to
 the ACCUSED { } orally or in writing, } reserve any such ques-
 } tion;
 and

the Court, } if it refuses so to reserve { shall, nevertheless, take a note of
 } it, { such objection.

After a question is re- } the TRIAL shall PROCEED as in other cases.
 served,

If the result is a { the Court may RESPITE the execution of the sentence, or
 conviction, } POSTPONE sentence till the question reserved is decided,
 { } and

{ shall, in its discretion, COMMIT the person convicted to
 } GAOL, OR ADMIT him to BAIL.

On a question being reserved, { a CASE shall be STATED for the opinion of the
 { Court of Appeal.

(1) Sec. 785, *post*, relates to summary trials of indictable offences in ONTARIO.

APPEAL WHEN NO QUESTION IS RESERVED.

If the Court refuses } the PARTY { with the Attorney- } MOVE the Court of Ap-
 to reserve the ques- } APPLYING- { General's leave, in } peal as hereinafter
 tion, } may, } writing, } provided.

The Attorney-General may,—in his } GIVE OR REFUSE such leave.
 discretion,— }

The Attorney-General or } { on notice of motion to the } move the Court
 any person to whom he } may, { accused or prosecutor, as } of Appeal for
 gives such leave, } the case may be, } leave to appeal.

and

The Court of Appeal may GRANT OR REFUSE such leave,

If leave is } a case is stated for the opinion of the Court { as if the question
 granted } of Appeal, { were reserved.

If the sentence is alleged to } either party, upon { MAY,—without leave,—MOVE
 be one which could not, by } giving notice to, { the Court of Appeal to
 law, be passed, } the other side, { pass a proper sentence,

If the Court has arrested judgment and } the prosecutor MAY,—without leave
 refused to pass any sentence, } —make such a motion.

POWERS OF COURT OF APPEAL.

THE COURT OF APPEAL MAY

(a), CONFIRM the ruling appealed from ; or,

(b), if of opinion that the ruling was erroneous, and that } DIRECT a NEW
 there has been a mistrial in consequence, } TRIAL ;

or

(c), if it considers the } PASS such sentence as ought to have been passed
 sentence erroneous or } or SET ASIDE any sentence passed, and REMIT
 the arrest of judg- } the case to the court below with a direction to
 ment erroneous, } pass the proper sentence ;

or,

(d), if of opinion, where the accused has } DIRECT that the ACCUSED shall
 been convicted, that the ruling was er- } be DISCHARGED, which order
 roneous and that the accused ought to } shall have all the effects of
 have been acquitted, } an ACQUITTAL ;

or

(e), DIRECT a NEW TRIAL ; or

(f) MAKE such OTHER ORDER as justice requires.

Provided that no } although it appears that some evi- { UNLESS, in the opinion
 conviction shall } dence was improperly admitted, } of the Court of Ap-
 be set aside, nor } or rejected, or that something not } peal, some substantial
 any new trial } according to law was done at the } wrong or miscarriage
 directed, } trial, or some misdirection given, } was thereby occa-
 } } sioned on the trial.

PROVIDED that, if the Court of Appeal is of opinion that } a NEW TRIAL shall
 any challenge } for the defence was improperly dis- } be granted.
 allowed, } }

NEW TRIAL. { AFTER CONVICTION, the Court before which the trial } on the ground that
 takes place MAY,—during the sitting or afterwards,— } the VERDICT was
 GIVE LEAVE to the person convicted TO APPLY to the } AGAINST the weight
 Court of Appeal for a NEW TRIAL, } of EVIDENCE.
 and
 The Court of Appeal MAY,—on hearing such } DIRECT a NEW TRIAL, if it
 motion,— } thinks fit.
 In the case of a trial before a Court of } such leave may be given during or
 General or Quarter Sessions, } at the end of the Session.

NEW TRIAL, by Minister of Justice's Order. { Upon a convict's application for mercy,
 the MINISTER of JUSTICE,— } MAY, { after such enquiry } DIRECT a
 if he entertains a doubt } as he thinks prop- } NEW
 about the conviction,— } er, } TRIAL.

No sentence,—except DEATH } shall be SUSPENDED { UNLESS the Court express-
 or WHIPPING,— } by an Appeal, { ly so directs.

In DIRECTING a NEW } the Court of Appeal MAY ORDER the accused to be
 TRIAL, } admitted to BAIL.

APPEAL to the SUPREME COURT. { An Appeal lies, to the } against the affirmance of a { unless the Court of
 SUPREME COURT of } conviction by the Court } Appeal's affirmance
 CANADA, } of Appeal, } is unanimous.

Written notice of the appeal to the Supreme } WITHIN 15 DAYS after the
 Court MUST be served on the Attorney Ge- } Court of Appeal's affirm-
 neral } ance ;
 and

the appeal MUST be brought on for hearing { or the appeal shall be held to
 at the session of the Supreme Court during } have been abandoned, unless
 which the affirmance takes place or at the } otherwise ordered by the
 session next thereafter if the Court is not } Supreme Court or a judge
 then in session, } thereof.

The judgment of the Supreme Court is FINAL.

In criminal cases there is NO APPEAL to the PRIVY COUNCIL.

Part LIII.—Special Provisions.—(SECS. 752 to 761).

If any prosecution for an indictable } the Court,—upon the defendant's appli-
 offence instituted by the Attorney } cation, of which 20 DAYS NOTICE
 General for ONTARIO is not } shall be given to the Attorney Gene-
 brought to trial within 12 } ral,—may make an ORDER authorizing
 MONTHS after a plea of NOT } the defendant TO BRING ON THE
 GUILTY thereto, } TRIAL ;

and

thereupon, the defendant may bring on such } unless a *nolle prosequi* is
 trial, } entered.

For other special provisions as to ONTARIO and as } see secs. 754 to 758 and
 to NOVA SCOTIA, } secs. 760 and 761.

Part LIV.—Speedy Trials of Indictable Offences.—(SECS. 762 to 781).

The provisions of this Part do not apply to the NORTH WEST TERRITORIES or the District of KEEWATIN.

- The expression "JUDGE" means and includes,
- In ONTARIO, { any JUDGE of a County or District Court, JUNIOR JUDGE or DEPUTY JUDGE authorised to act as Chairman at the General Sessions of the Peace ;
- in the province of QUEBEC, { a JUDGE of SESSIONS, } in a District where there is one ;
- { a DISTRICT MAGISTRATE, } in a District where there is no judge of Sessions ; and
- { the SHERIFF, } in a District where there is no Judge of Sessions nor District Magistrate ;
- in NOVA SCOTIA, NEW BRUNSWICK and PRINCE EDWARD ISLAND, { any JUDGE of a County Court ;
- in MANITOBA, { the CHIEF JUSTICE or a PUISNE JUDGE of the Court of Queen's Bench, } or any Judge of a County Court.
- in BRITISH COLUMBIA, { the CHIEF JUSTICE or a PUISNE JUDGE of the Supreme Court, }
- Court of Record. { The JUDGE sitting in any trial under this Part } is a COURT of RECORD,
- and,
- { in every province, } such Court is called " THE COUNTY COURT JUDGE'S EXCEPT QUEBEC CRIMINAL COURT."
- OFFENCES TRIABLE. { Every person COMMITTED to GAOL for TRIAL for any of the offences mentioned, in sec. 539, as being within the jurisdiction of the General or Quarter Sessions, } may, { with his own consent and subject to the provisions herein, } be tried OUT OF SESSIONS and out of the regular term or sitting of the Court.
- Notice. { Within 24 HOURS after any person charged as aforesaid is committed to gaol for trial, } every sheriff shall notify the Judge in writing that such person is so confined, { whereupon such Judge shall cause the prisoner to be brought before him.
- ARRAIGNMENT. { The Judge shall state to the accused, } (a) that he is charged with the offence, describing it, (b) that he has the option to be forthwith tried before such Judge, without a jury, or to be tried in the ordinary way ;
2. If the prisoner DEMANDS a TRIAL BY JURY, he is REMANDED ; } but, { IF HE CONSENTS to be tried by the Judge, the charge is preferred, and IF, on being arraigned, the PRISONER PLEADS GUILTY, the Judge passes sentence.

ELECTION. { If under Part LV, (post), or Part LVI, (post), any person has elected trial by jury, { the Sheriff and Judge shall not be required to take the above proceedings ;

but,

{ if such person, after his said election, is committed for trial, he may, — before the sittings of the Court at which such trial by jury would take place, — { NOTIFY the sheriff that he desires to RE-ELECT, whereupon he shall be proceeded against, as above, as if his first election had not been made.

NOT GUILTY. { If, on being arraigned { the prisoner pleads { the Judge shall appoint an early day or the same day for his trial,

and

{ the JUDGE may proceed to TRY HIM.

The prosecuting officer may, with the consent of the Judge, prefer against the prisoner a charge for any offence triable under this Part other than the charge for which he was committed to gaol for trial, { although such charge does not appear in the depositions on which the prisoner was committed.

POWERS OF JUDGE. { The Judge has, — as to acquitting or convicting, or convicting of any other offence than that charged, — the same powers as a jury, } and { may render any verdict which may be rendered upon a trial by Jury.

{ the Judge may adjourn any trial, from time to time, { until finally terminated.

{ The Judge shall have all the powers of amendment, { which any Court mentioned in this Part would have if the trial were before such Court.

WITNESSES. { Every PROSECUTOR and every WITNESS, bound over on a committal for trial, } MUST be given 48 HOURS notice in writing to appear at the trial before the Judge under this part.

{ As to attendance of witnesses and as to summoning, arresting, detaining and punishing them for contempt, etc., } see secs. 780 and 781.

(v) in ALL the PROVINCES, } where the defendant is charged with any two justices of the peace sitting together ;
any of the offences mentioned in paragraphs (a) and (f) of sec. 783 (post),

provided that when any offence is tried by virtue of subsection v, an appeal shall lie from a conviction in the same manner as from summary convictions under Part LVIII, (post).⁽¹⁾

(d), with having committed an assault upon ANY FEMALE, whomsoever, or upon any MALE CHILD not over 14, such assault being of a nature which cannot, in the Magistrate's opinion, be sufficiently punished by a summary conviction under any other Part of this Act, and being such, if upon a female, as *does not amount to an assault with intent to commit rape.*

and any FUNCTIONARY or TRIBUNAL having the powers of two Justices of the Peace ;

the Magistrate may, subject to the provisions hereinafter made, HEAR and DETERMINE the charge in a SUMMARY WAY.

(¹) This subsection (v) is added by the 58-59 Vic., c. 40.

or

- (e) with having ASSAULTED, OB-
STRUCTED, MOLESTED or HIND-
ERED any PEACE OFFICER or
PUBLIC OFFICER, } in the lawful performan-
ce of his duty, or with
intent to prevent the
performance thereof,

or

- (f) with KEEPING or being { of any DISORDERLY HOUSE
an INMATE or HABITUAL { house of ill-fame or bawdy
FREQUENTER, { house,

or

- (g) with USING or { (i) for RECORDING or registering any
knowingly allow- { BET or WAGER, or SELLING ANY POOL, or
ing any part of { (ii) KEEPING, exhibiting or employing
any premises un- { or knowingly allowing to be kept,
der his control to { exhibited or employed any DEVICE
be used, { or APPARATUS for RECORDING or re-
gistering any BET or WAGER or SEL-
LING ANY POOL,

or

- (h) with becoming the CUS- } of any MONEY, etc., STAKED,
TODIAN or depositary { WAGERFD or PLEDGED,

or

- (i) with RECORDING or registering any BET or WAGER or
SELLING ANY POOL on the result of any POLITICAL or
MUNICIPAL ELECTION or of any RACE or of any CONTEST
or trial of SKILL or ENDURANCE of man or beast,

the Magistrate
may, sub-
ject to the
provisions
herein after
made, HEAR
and DETER-
MINE the
charge in a
SUMMARY
WAY.

In the case of a person charged with } the jurisdiction of the Magistrate is
KEEPING or BEING an INMATE or HA- } ABSOLUTE, and does not depend on
BITUAL FREQUENTER of any DISORD- } such person's consent, nor shall
ERLY HOUSE, HOUSE of ILL-FAME or } such person be asked whether he
BAWDY HOUSE, } consents.

Where a SEAFARING PERSON,—only transiently in Ca- } the jurisdiction of the
nada and having no permanent domicile therein,—is } Magistrate is ABSO-
charged, in the CITY of QUEBEC or of MONTREAL, or } LUTE, and does not
in any other SEAPORT, CITY or TOWN in Canada, } depend on the accu-
where there is such Magistrate, with the commis- } sed's consent to be
sion therein of any of the offences hereinbefore } tried by the Magis-
mentioned, and } trate, nor shall such
in the case of any other person charged with any such } accused be asked
offence by any such SEAFARING PERSON whose evi- } whether he consents.
dence is essential to its proof,

In PRINCE EDWARD ISLAND and } the jurisdiction of the Magistrate under
BRITISH COLUMBIA and in the } this Part is ABSOLUTE, without the ac-
District of KEEWATIN, } cused's consent.

ONTARIO, { If, IN ONTARIO, any person { is CHARGED, before a POLICE MAGISTRATE or a STIPENDIARY MAGISTRATE, with having committed any offence for which he may be tried at the Court of General Sessions of the Peace, such person may, with his own consent, be tried before such Magistrate.

or

is COMMITTED to gaol, by any Justice of the Peace, FOR TRIAL for any such offence,

ARRAIGNMENT. { Whenever a MAGISTRATE proposes to dispose of a case SUMMARILY under this Part,

he SHALL,—before the formal examination of the prosecution witnesses and before calling on the accused for any statement which he wishes to make,— { STATE to the accused the SUBSTANCE of the charge, and, (if it is not one triable summarily without the accused's consent), he shall, then, say to him. " Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial by a Jury at the (*naming the Court at which it can probably be tried*)"

and

if the accused CONSENTS to SUMMARY TRIAL, or if the power of the Magistrate to try him does not depend on his consent, { the MAGISTRATE shall reduce the charge to writing, read it to the accused, and then ask him if he is GUILTY or NOT.

If the accused CONFESSES } the Magistrate passes sentence upon him, the charge,

but,

if he says that he is NOT } the Magistrate TRIES the case SUMMARILY. GUILTY,

PUNISHMENTS. { If the Magistrate finds the charge proved, he convicts the accused,

and,

in the case of an offence under } HE MAY COMMIT HIM to gaol, with or without paragraph (a) or (b) of section 783 (*ante*), (1) } out hard labor, for any term not exceeding 6 MONTHS.

and

in any case summarily tried under paragraph (c), (d), (e), (f), (g), (h), or (i), of sec. 783, (2) { HE MAY COMMIT HIM to gaol, with or without hard labor for any term not exceeding 6 MONTHS, or HE MAY CONDEMN HIM to a fine, not exceeding, with costs, \$100, or to both fine and imprisonment, and to a further imprisonment not exceeding 6 months unless such fine is sooner paid,

(1) For these pars. (a) and (b), see p. 118, *ante*.

(2) For these pars. (c) to (i), see pp. 118, 119, *ante*.

Cases of THEFT, etc., of property,
OVER \$10.—

When, in a case of THEFT or OBTAINING property BY FALSE PRETENCES, or of having unlawfully RECEIVED STOLEN PROPERTY, the value of the property EXCEEDS \$10, and the evidence is sufficient to put the accused on trial, the Magistrate,—if the case appears, to him, one which may be disposed of summarily and be adequately punished under this Part,—may, if the accused is not a person who can be tried summarily without his consent, proceed summarily, with his consent, as above directed.

If such accused consents to be tried summarily, and pleads guilty, the Magistrate shall cause such plea to be entered and sentence the accused to the same punishment as he would have been liable to if convicted upon indictment in the ordinary way;

but

if the accused says that he is NOT GUILTY, the Magistrate shall proceed SUMMARILY as directed above.

If, in any proceeding under this Part, the Magistrate thinks the offence ought to be prosecuted by indictment, he may, before the accused has made his defence, decide NOT to ADJUDICATE SUMMARILY upon it.

Election of Trial
by Jury.

If, when his consent is necessary, the accused ELECTS to be tried BEFORE a JURY, the Magistrate SHALL HOLD a PRELIMINARY ENQUIRY, as provided in Parts XLIV and XLV, (*ante*);

and,

if the accused is committed for trial, the warrant of committal shall state the fact of such election having been made.

FULL DEFENCE.
OPEN COURT.

In a SUMMARY CASE under this Part, the accused shall be allowed FULL ANSWER and DEFENCE and to have all witnesses examined and cross examined by counsel or solicitor.

Every Court held by a Magistrate under this Part shall be an OPEN PUBLIC Court.

Certificate
of dismissal

Whenever the Magistrate finds the offence NOT PROVED, he shall DISMISS the charge, and make out and deliver, to the accused, a certificate of such dismissal.

Every CONVICTION under this Part has the SAME EFFECT as a conviction upon indictment for the same offence.

BAR.

Every person who OBTAINS a certificate of dismissal, or IS CONVICTED under this Part, shall be RELEASED from all further or other CRIMINAL PROCEEDINGS, for the same cause.

Formal Defects.

No CONVICTION, sentence or proceeding under this Part, shall be QUASHED, for WANT OF FORM, and

NO WARRANT of COMMITMENT shall be held VOID, for any DEFECT therein, if it alleges that the offender has been convicted, and there is a good and valid conviction to sustain it.

RES-
TITU-
TION. { The Magistrate, by whom an accused has been convicted under this Part, { may order RESTITUTION of the property stolen or taken or obtained by false pretences.

Nothing in this Part shall affect the provisions of Part LVI, (*post*) :

and

this Part shall not extend to PERSONS punishable under that Part, so far as regards offences for which such persons may be punished thereunder.

Part LVI.—Trial of Juvenile Offenders for Indictable Offences.—
(SECS. 809 to 831).

In this Part, the expression "two or more Justices" or "the Justices" includes,

- (i) in the provinces of ONTARIO and MANITOBA, { any JUDGE of the COUNTY COURT, being a Justice of the Peace, POLICE MAGISTRATE or STIPENDIARY MAGISTRATE, or any TWO JUSTICES of the PEACE acting within their respective jurisdictions ;
- (ii) in the province of QUEBEC { any TWO or MORE JUSTICES of the PEACE, the SHERIFF of any district, except Montreal and Quebec, the DEPUTY-SHERIFF of GASPÉ, and any RECORDER, JUDGE of the SESSIONS of the PEACE, POLICE MAGISTRATE, DISTRICT MAGISTRATE or STIPENDIARY MAGISTRATE, within their respective jurisdictions ;
- (iii) in the provinces of Nova-Scotia, New-Brunswick, Prince Edward Island and British Columbia, and in the District of Keewatin, { any FUNCTIONARY or TRIBUNAL having the powers of two Justices of the Peace ;
- (iv) in the North-West Territories, { any JUDGE of the SUPREME COURT of the Territories, any two Justices of the Peace sitting together, and any functionary or tribunal having the powers of two Justices of the Peace.

Punish-
ment for
Stealing. { Every person charged with THEFT or ATTEMPT to steal, { and whose age at the time of the offence does not exceed 16, { SHALL, upon conviction thereof before TWO or more JUSTICES of the PEACE, be IMPRISONED, with or without hard labor for a term not exceeding 3 MONTHS, or be fined NOT MORE than \$20.

ELECTION BY ACCUSED. { The Justice, proceeding under this Part, before asking the accused whether he has any cause to shew why he should not be convicted, shall say to him,
" We shall hear what you wish to say in answer to the charge against you ; but, if you wish to be tried by a Jury, you must object, now, to our deciding upon it at once ; "
and,
if such person or a parent or guardian of such person then OBJECTS, { NO FURTHER PROCEEDINGS shall be had under this Part, but the Justices may proceed according to Parts XLIV and XLV (*ante*).

Proceeding by Indictment.	If the Justices consider, before the accused makes his defence, that the charge ought to be prosecuted by indictment, or if the accused, on being called to answer the charge, objects to its being summarily dealt with under this Part, When the accused elects a trial by Jury,	the Justices shall not deal with it summarily, but may proceed to hold a preliminary enquiry as provided in Parts XLIV and XLV, (<i>ante</i>). the fact of such election shall be stated in the warrant of commitment.
DISCHARGE OF ACCUSED.	If the Justices, on the hearing of the case, deem the offence not proved, or that it is not expedient to inflict any punishment,	they shall DISMISS the accused,—in the latter case, on his producing sureties for his future good behaviour, and, in the former case, without sureties, and, then, make out and deliver to the accused a certificate of such dismissal
Formal Defects.	No conviction shall be QUASHED for WANT OF FORM, and NO WARRANT OF COMMITMENT shall be held VOID, for any DEFECT therein,	or { be removed by <i>certiorari</i> or otherwise into any Court of Record ; if it alleges that the person has been convicted, and there is a good and valid conviction to sustain it.
BAR.	Every { person { who OBTAINS such CERTIFICATE of DISMISSAL, or is so CONVICTED,	{ shall be RELEASED from all further or other CRIMINAL PROCEEDINGS for the same cause.
RESTITUTION.	Whenever any person is adjudged guilty, under this Part, If the property is not then forthcoming,	{ the presiding Justice may order RESTITUTION of the property in respect of which the offence was committed. { the Justices may order payment, to the true owner, by the person convicted, of the value, either at one time or by instalments.
ON-TARIO.	The provisions of this Part shall NOT apply to any offence,	punishable by imprisonment for 2 YEARS and upwards, committed in the provinces of PRINCE EDWARD ISLAND or BRITISH COLUMBIA or in the District of KEEWATIN,
	Nothing in this Part SHALL PREVENT	the SUMMARY CONVICTION of any person before one or more Justices of the Peace for any offence for which he is liable to be so convicted under any other Part of this Act or under any other Act.

Part LVII.—Costs and Pecuniary Compensation.—Restitution of Property.
(SECS. 832 to 838).

COSTS. { Any COURT which
and
any JUDGE, under Part LIV,
or any MAGISTRATE under
Part LV, who
and
may order the payment thereof to be made out of any } (if such moneys are
moneys taken from such person on his apprehension, } *his own*).

CONVICTS any per-son of treason or of any other in-dictable offence, { may, in addition to any other sentence CONDEMN such person to pay the COSTS and EXPENSES of the prosecution,

COSTS IN LIBEL CASES. { In a case of DEFAM-ATORY LIBEL, if judg-ment is given for the defendant, } he shall be entitled to re-cover, from the prosecu-tor, the costs incurred by him in the case, { EITHER by WARRANT of DISTRESS, or by ACTION as for an ordinary debt.

If a person convicted on an indictment for ASSAULT is ordered to pay costs, { he shall be liable, unless the costs are sooner paid to 3 MONTHS IMPRISONMENT, in addition to any other imprisonment to which he is sentenced for the offence.

TAXATION. { Any costs ordered to be paid by a Court pursuant to the foregoing provisions shall be TAXED according to the lowest scale of fees of such Court in a civil suit, } { if there is no tariff of fees provided with respect to criminal proceedings.

If such Court has no { the fees shall be those allowed in civil suits in a Superior Court of the province, according to the lowest scale.

COMPENSATION. { On the trial of any indictment, a Court may, on the applica-tion of any person aggrieved, and immediately after the conviction of the offender, AWARD not more than \$1000, } by way of COM-PENSATION for any loss of prop-erty suffered by the applicant through the offence, { and the amount awarded shall be deemed a judg-ment debt due to the person entitled to receive the same from the person convicted.

WHEN ANY PERSON has been CONVICTED,—summarily or otherwise,—of any THEFT or other offence including the stealing or un-lawfully obtaining any property, and IT APPEARS, to the Court, by the evidence, that the prisoner sold such property or any part of it to any person who did not know it was stolen or unlawfully obtained, and that money was taken from the prisoner on his apprehension, { the Court may, on the appli-cation of such purchaser, and on restitution of the property to its owner, order that out of the money so taken from the prisoner, (if it is his), a sum not ex-ceeding the proceeds of sale be delivered to such purchaser.

- If any person, GUILTY of any INDICTABLE OFFENCE in } the PROPERTY shall
stealing or knowingly receiving any property, is con- } be RESTORED to
victed thereof, ON INDICTMENT, or ON TRIAL before a } the owner or his
JUDGE or JUSTICE, } representative.
2. The Court or Tribunal } ALTHOUGH the } if the Jury DECLARE, or if,—in
may, if it sees fit, award } person in- } case the offender is tried without
RESTITUTION of the pro- } dicted is } a jury,—it is PROVED that such
perty taken from the } NOT con- } property BELONGS to such pro-
prosecutor or any pro- } victed, } secutor or witness and that he
secution witness by } was unlawfully deprived of it
such offence, } by such offence.
3. If, before any award or order is made,
it appears { has been *bona fide* PAID or DISCHARGED by
that any VALUABLE SECURITY { any person liable to the payment thereof,
or,
being a *negotiable instrument*, has been *bona fide* TAKEN or RECEIVED, by transfer or de- } the Court or Tri-
livery, by any person, for just and valuable } bunal SHALL
consideration, without notice or reasonable } NOT award or
cause to suspect that the same had, by any } order restitu-
indictable offence, been stolen, } tion of such se-
or } curity or pro-
if it appears that the PROPERTY has { *who has acquired* } perty,
been TRANSFERRED FOR VALUE to an { a lawful title }
innocent purchaser, { thereto,
4. Nothing in this section shall apply { to the case of any prosecution of any trustee, { for any indicta-
banker, merchant, attorney, factor, broker } ble offence un-
or other agent entrusted with goods or } der sections 320
documents of title to goods, { or 363, (*ante*).

Part LVIII.—Summary Convictions.—(SECS. 839 to 909.)

- In this Part, the expression "JUSTICE" { means a JUSTICE of the PEACE,
and includes { TWO OR MORE JUSTICES,—if two or more Justices act or
have jurisdiction,—
and also
a POLICE MAGISTRATE or STIPENDIARY MAGISTRATE, and
any person having the authority of two or more Justices
of the Peace.
- Cases triable under this Part, { Subject to any special provision otherwise enacted with respect to such offence, act or matter, THIS PART APPLIES to
(a) EVERY CASE of an OFFENCE or ACT OVER WHICH the PARLIAMENT OF CANADA has LEGISLATIVE AUTHORITY, and for which the accused is liable, on summary conviction, to imprisonment or other punishment;
(b) EVERY CASE of a COMPLAINT as to any MATTER OVER WHICH the PARLIAMENT OF CANADA has LEGISLATIVE AUTHORITY and as to which a Justice can, by law, make an order for payment of money or otherwise.

LIMITATION. { In the case of any offence punishable summarily, if no time is specially limited in the Act or law relating to the particular case, { THE COMPLAINT shall be MADE, or THE INFORMATION shall be LAID EXCEPT in the North West Territories, where the LIMITATION is 12 MONTHS. } within 6 MONTHS from when the matter of complaint or information arose ;

Every complaint and information shall be tried and } as directed by the Act adjudged by ONE JUSTICE, or TWO or MORE JUSTICES, } or law relating thereto.

2. If there is no } it may be tried and adjudged by any ONE JUSTICE for the such direction } territorial division where the matter arose.

3. Any ONE JUSTICE may RECEIVE the INFORMATION } even if the case must or COMPLAINT and grant a summons or warrant } be tried by two or thereon, and do other PRELIMINARY MATTERS, } more justices.

JURISDICTION. { 4. After a case has been } ONE JUSTICE may ISSUE all WARRANTS of distress determined, } or commitment thereon.

5. The justice, who acts before } NEED NOT be the justice or one of the justices or after the hearing, } by whom the case is tried.

6. If an Act or law requires

A CASE to be TRIED or A } by TWO or { SUCH JUSTICES shall be present and ACTING CONVICTION or order } more } TOGETHER during the WHOLE HEARING to be MADE } JUSTICES, { and determination of the case.

8. NO JUSTICE shall TRY any { AS TO the TITLE TO or INTEREST IN any LANDS, case of ASSAULT or BATTERY } etc., or AS TO any BANKRUPTCY or INSOL- in which any question } VENCY, or any EXECUTION under the process arises } of any Court of justice.

{ A COMPLAINT upon which a Justice may make } unless required by some par- an order for payment of money or otherwise } ticular Act or law upon NEED NOT be IN WRITING, } which it is founded,

2. Every COMPLAINT upon which a justice is authorised by { may be made or law to make an order, } had WITHOUT and } any OATH or every INFORMATION for any offence or act punishable on } affirmation of the truth the- summary conviction } reof,

UNLESS it is herein or by some particular Act or law otherwise provided.

3. Every COMPLAINT shall be for ONE } and { every INFORMATION shall be for MATTER of complaint only and NOT for } ONE OFFENCE only and NOT two or more matters of complaint, } for more than one offence.

and

a COMPLAINT or INFORMATION may { PERSONALLY or by COUNSEL, attorney, or be made or laid } authorised agent.

INFORMATIONS AND COMPLAINTS.

OBJECTIONS. { No INFORMATION, (a) that it DOES NOT NAME the PERSON injured or intended COMPLAINT, WAR- or attempted to be injured, or RANT, CONVICTION, (b) that it DOES NOT STATE the OWNER of any property or other proceeding is objection- therein mentioned, or able or insuffi- (c) that it DOES NOT SPECIFY the means by which the cient on the (d) that it DOES NOT NAME OR DESCRIBE, WITH PRECISION, ground, any person or thing.

But the Justices MAY ORDER the prosecutor to FURNISH a PARTICULAR further describing such means, person, place or thing.

FORMAL DEFECTS.—VARIANCES. { No OBJECTION shall be (for any alleged DEFECT therein in substance or allowed to any inform- in form, or, ation, complaint, sum- for any VARIANCE between the same and the mons or warrant, evidence for the prosecution.

{ Any VARIANCE (as to the ALLEGED time) shall NOT if the information was between the IN- of committing the of- be deemed laid within the lim- FORMATION and the EVIDENCE fference or act, MATERIAL, ited time, or { as to the ALLEGED) shall NOT if the offence or act was adduced in support there- PLACE where the be deem- committed within the of, offence or act was ed MATE- trial Justice's jurisdic- committed, RIAL, tion.

But the justice may, if the defendant has been thereby deceived or misled, ADJOURN the case.

OPEN COURT. { The PLACE OF TRIAL shall be deemed (to which the public generally may an OPEN and PUBLIC COURT, have access.

Conduct of Case by Counsel. { The ACCUSED shall be admitted to make FULL ANSWER and DEFENCE, and to have the wit- and nesses EXAMINED and EVERY COMPLAINANT or INFORMANT shall be at CROSS-EXAMINED by counsel or attorney. liberty to conduct the prosecution,

If the charge NEGATIVES any ex- { the prosecutor need (but the defendant emption, exception, provision not prove such NE- may avail himself or condition in the statute on GATIVE, of proof of the AF- which it is founded, FIRMATIVE thereof.

Non-appearance of either party. { If the ACCUSED DOES then, — if the summons was duly served, — the NOT APPEAR at the Justice may proceed *ex parte*, in defendant's time appointed by the absence, or he may issue his warrant and summons, and adjourn the case until the defendant's apprehension, { If the defendant then, if the PROSECUTOR, hav- (the Justices shall DISMISS appears or is ing had due notice, DOES the case, or he may AD- brought up by NOT APPEAR, by himself JOURN the hearing to warrant, his counsel or attorney, another day.

If BOTH PARTIES appear, PERSONALLY, { the Justice shall proceed to hear and
or by COUNSEL OR ATTORNEYS, { determine the case.

ARRAIGNMENT. { If the defendant IS PRESENT } and { he shall be asked if he has any cause to
at the hearing, the sub- } shew why he should not be convicted
stance of the charge shall } or an order made against him, as the
be read to him, } case may be.

{ If the defendant ADMITS the charge, and shews } the Justices shall CONVICT
no sufficient cause against a conviction or } or MAKE AN ORDER
order, } against him.

{ If the defendant DOES NOT ADMIT the } the justice shall enquire into it and
charge, } take the evidence.

ADJOURNMENT. { Before or during the hearing, the justice may ADJOURN } but NO ADJOURN-
the case to a CERTAIN TIME, to be then appointed in } MENT shall be for
the presence and hearing of the parties or their } MORE THAN 8
lawyers, } DAYS.

{ If at the time to which the hearing or further } the justice may proceed
hearing is adjourned, either or both of the par- } to the hearing or fur-
ties do not appear, personally, or by counsel or } ther hearing as if the
solicitor, } parties were present.

{ If the prosecutor or complainant does not } the justice may DISMISS the case.
appear, }

ADJUDICATION. { Having heard the parties and the } the justice adjudicates upon the
evidence adduced, } case.

CONVICTION OR ORDER. { If the justice con- } he shall make a MINUTE or MEMORANDUM thereof,
victs or makes } and
an order against }
the defendant, } afterwards DRAW UP the CONVICTION or ORDER.

Discharge on first conviction. { Whenever any person is summarily } the justice may discharge the of-
convicted of any offence against } fender from his conviction upon
Parts XX to XXX inclusive } his making such satisfaction to
(ante), or Part XXXVII (ante), } the person aggrieved for damages
(¹) and it is a FIRST CONVIC- } and costs as are ascertained by
TION, } the justice.

Certificate of dismissal. { If the justice DISMISSES the } { shall give to the defendant a certificate
case, he may, when re- } thereof, which shall be a bar to any
quired, make an ORDER } subsequent information or complaint
of DISMISSAL, } against him FOR THE SAME MATTER.

(¹) Parts XX to XXIII relate to ASSAULTS, RAPE, LIBEL, etc. ; Parts XXIV to XXX relate to THEFT, BURGLARY, etc. ; and Part XXXVII relates to MISCHIEF.

ASSAULTS. { Whenever any person unlawfully ASSAULTS or BEATS any other person, any justice may SUMMARILY hear and determine the charge, } UNLESS, at the time of entering on the investigation, EITHER PARTY OBJECTS THERETO.

2. If the justice considers that the alleged assault or battery is, from any other circumstance, a fit subject for prosecution by indictment, } he shall abstain from adjudication thereon and deal with the case as if he had no authority to hear and determine it.

RELEASE,--in assault cases, from other CIVIL or CRIMINAL proceedings. { If, on the hearing, on the merits of any case preferred under the next preceding section, the justice deems the case not proved or finds the assault or battery justified or so trifling as not to merit any punishment, and accordingly DISMISSES the complaint, } he shall make out and deliver to the accused a CERTIFICATE of such DISMISSAL.

{ If the accused obtains such CERTIFICATE of DISMISSAL, or, having been convicted, pays the amount adjudged to be paid or suffers the imprisonment awarded, } he shall be released from all other proceedings, CIVIL or CRIMINAL, for the same cause.

As to levying or enforcing payment of penalties, costs, etc., } see secs. 872 to 876

and

As to forfeiture of recognizances, see sec. 878.

APPEALS IN SUMMARY CASES. { In a summary case, the PROSECUTOR or the DEFENDANT MAY APPEAL, } in ONTARIO, to the Court of GENERAL SESSIONS of the PEACE ;

{ in QUEBEC, to the Court of QUEEN'S BENCH, Crown Side ;

{ in NOVA SCOTIA, NEW BRUNSWICK, and MANITOBA, } to the COUNTY COURT of the district or county where the matter arose ;

{ in PRINCE EDWARD ISLAND, to the SUPREME COURT ;

{ in BRITISH COLUMBIA, to the COUNTY or DISTRICT COURT ;

{ in the NORTH WEST TERRITORIES. } to a JUDGE of the SUPREME COURT of the TERRITORIES sitting without a jury, where the matter arose or the nearest place thereto where a Court is to be held ;

{ in the DISTRICT of NIPISSING, } to the Court of GENERAL SESSIONS of the PEACE for the COUNTY of RENFREW.

CONDITIONS OF APPEAL. { (a) If the conviction or order is made MORE THAN 14 days BEFORE the Appeal Court sits, } the appeal shall be to its then NEXT SITTINGS,

but if made, WITHIN 14 days thereof, then to its SECOND SITTING afterwards.

{ (b) The appellant must give, to the Respondent or the Justice, } a written notice of appeal within 10 DAYS after the conviction or order.

{ (c) If the conviction imposes imprisonment, } the appellant shall remain in custody, or give bail before a justice to abide the judgment and pay costs, etc.

{ If the conviction adjudges a penalty or sum of money to be paid, } the appellant may deposit the amount adjudged with costs and costs in appeal, and be released.

Proceedings in Appeal. { The Court appealed to shall TRY and be the ABSOLUTE JUDGE as well of the FACTS as of the LAW, } and { any party to the appeal may adduce evidence whether the same was adduced at the hearing before the justice or not. }

{ Evidence taken at the hearing below } may be read in evidence on the appeal, { if the Appeal Court is satisfied that the personal presence of the witness cannot be obtained by reasonable efforts. }

Matters of form { No judgment shall be given for the Appellant, if the appeal is based on any objection to any information, complaint, summons or warrant, } FOR any DEFECT therein, or FOR any VARIANCE between the same and the evidence adduced in support thereof,

{ unless it is proved } that the OBJECTION was made before the Justice, { or } { that, notwithstanding that it was shewn to the Justice that by the VARIANCE the accused was deceived or misled, the justice refused an adjournment. }

Judgment on Merits. { The appeal Court shall hear and determine the case on its merits, } and { may confirm, reverse or modify the Justice's decision, or make such other conviction or order as it thinks just. }

FORMAL DEFECTS.—CERTIORARI. { No conviction or order affirmed, or affirmed and amended in appeal, } SHALL BE QUASHED for want of form, or BE REMOVED by *certiorari* into any Superior Court.

{ No warrant or commitment shall be held VOID by reason of any defect therein; } Provided it alleges that the defendant has been convicted, and there is a good and valid conviction to sustain it.

{ No writ of *certiorari* shall be allowed } TO REMOVE any conviction or order, { if the defendant has appealed therefrom, } or TO REMOVE any conviction or order made on such appeal.

IRREGULARITIES. { No conviction or order made by any Justice, and NO WARRANT for enforcing the same, } shall,—on being removed by *certiorari*,—be held invalid for any irregularity in formality or insufficiency therein;

{ Provided the Court or Judge before whom the question is raised is,—on reading the depositions,—satisfied that there has been committed an offence of the nature described in the conviction, order or warrant, and over which the Justice has jurisdiction. }

When it appears by a conviction that the defendant has appeared and pleaded and that the merits have been tried, and the defendant has not appealed where an appeal lies, or, if appealed, the conviction was affirmed, } such conviction shall NOT afterwards BE SET ASIDE for any DEFECT OF FORM.

An Appellant may abandon his appeal, } by giving the opposite party written notice thereof 6 CLEAR DAYS before the Sitting of the Court appealed to.

{ Either the prosecutor or the defendant desiring to question a conviction, order, determination or other proceeding, } on the ground of { its being ERRONEOUS in LAW or in EXCESS of JURISDICTION, } { may apply to the Justice to state and sign a case setting forth the facts and the grounds for questioning the proceeding ; }

and

If the Justice declines { application may be made to the Court, ⁽¹⁾ for an order requiring the case to be stated.

On making such application and before a case is stated and delivered to him by the Justice, { the Appellant shall enter into a recognizance, before such Justice or any other Justice exercising the same jurisdiction, to prosecute his appeal and submit to judgment thereon.

When the Justice refuses to state a case, the Appellant may apply to the Court, on an affidavit of the facts, for a rule on the Justice and Respondent to shew cause why such case should not be stated ; } and { the Court may make the rule absolute, or discharge the application.

On being served } the Justice shall { on the Appellant entering into such recognizance as above provided.

The Court to which a case is transmitted shall hear and determine the question or questions of law, } and { shall thereupon affirm, reverse or modify the conviction, order or determination questioned, or remit the matter to the Justice with the Court's opinion thereon.

Any person appealing } shall be taken to have abandoned his right of appeal under this section } under section 879 (*ante*).

Where, by any special Act, it is provided that there shall be no appeal from any conviction or order } no proceeding shall be taken under this section in a case to which such special Act applies.

No information, summons, conviction or other proceeding shall be held, { to CHARGE TWO OFFENCES. } { for stating the offence to have been committed in *different modes or in respect of one or more of several articles either conjunctively or disjunctively.* }

(¹) The " Court ", under this section, means and includes any Superior Court of criminal jurisdiction in the province where the proceedings are carried on.

Part. LIX.—Recognizances.—(SECS. 910 to 926).

Render of Accused by Sureties.	{	Any surety for a person	} may {	upon an affidavit of	{ obtain an order to	
		charged with any indict-		the grounds there-		render such per-
		able offence,		for,		son,
		and,				
	{	upon such order, may	} and {	deliver him, with the order, to the gaoler		
		arrest the accused, }		named therein ;		
		or				
		the sureties may bring the accused		and render him in discharge of their		
		into Court during its Sitting,	{	recognizances.		

As to proceedings on FORFEITED RECOGNIZANCES, etc., see secs. 916 to 926.

Part. LX.—Fines and Forfeitures.—(SECS. 927 to 930).

For special	} for recovery of penalties and forfeitures where no	} see sec. 929.
provisions		
	} other mode is prescribed,	

TITLE VIII.

Proceedings after Conviction.

Parts LXI to LXIV.—*Punishments Generally.—Capital Punishment.—Imprisonment.—Whipping.*—(SECS. 931 to 957).

The PUNISHMENT to be inflicted on } is in the discretion of { within the limits
an offender, or } the Court or Tri- { prescribed in that
the FINE or PENALTY to be imposed } bunal, { behalf.

SENTENCE of DEATH { that the offender be HANGED *by the neck* UNTIL he is
is { DEAD.

Judgment of DEATH must be executed *within the prison walls.*

Every one sentenced to imprisonment { shall be sentenced to imprisonment
for life or *not less* than two years, { in the PENITENTIARY.

Every one sentenced to impri- { shall, if no other place is expressly men-
sonment for *less* than two { tioned be sentenced to imprisonment in
years, { the COMMON GAOL.

WHIPPING shall NOT be inflicted on any FEMALE.

Part LXV.—*Sureties for Keeping the Peace, and Fines.*—(SECS. 958 to 960).

In addition to any other { may be REQUIRED to GIVE } for any term not
sentence, a person con- { SECURITY to KEEP THE } exceeding TWO
victed of an indictable { PEACE and be of good be- } YEARS.
offence, { haviour,

A person convicted of an indictable offence { may be FINED, in ADDITION
punishable with imprisonment for 5 years { to or in LIEU of any other
or less, { punishment.

A person sum- { may, in ADDITION to or in LIEU of any } for any term not
marily con- { other sentence, be required to GIVE SE- } exceeding 12
victed under { CURITY to KEEP the PEACE and be of } MONTHS.
Part LVIII, { good behaviour,

On being satisfied that, on account of } a justice may require such per-
THREATS or OTHERWISE, a complainant } son to GIVE SECURITY to KEEP
has reasonable grounds to FEAR that a } the PEACE and be of good be-
person will DO HIM, HIS WIFE or CHILD } haviour for any term not ex-
some PERSONAL INJURY, or BURN or SET } ceeding TWELVE MONTHS.
FIRE to his PROPERTY,

Part LXVI.—Disabilities.—(SEC. 961).

A public official convicted of an indictable offence { is DISABLED from HOLDING
and sentenced to 5 years imprisonment or more { OFFICE, etc.

Part LXVII.—Punishments abolished.—(SECS. 962 to 965).

OUTLAWRY, SOLITARY CONFINEMENT, PILLORY, and } are ABOLISHED.
DEODAND }

Part LXVIII.—Pardons.—(SECS. 966 to 974.)

PARDON. { The Crown may PARDON any person convicted of } and { may COMMUTE any
any indictable offence punishable with death } sentence of death
or imprisonment, } to imprisonment.

UNDERGOING a SENTENCE, (not being death), is EQUIVALENT to a PARDON.

First offenders. { Whenever a person is convicted of any } the Court may release him on his
offence punishable with not more than } being bound over, with or without
2 years' imprisonment, and no previous } sureties, to appear and receive
conviction is proved against him, } judgment when called upon.

TITLE IX.

Actions against Persons administering the Criminal Law.

(SECS. 975 to 980).

Limitation—
Notice.— { Every ACTION and PROSECUTION against any } shall be COMMENCED within
person for anything purporting to be done } 6 MONTHS next after the
pursuant to any Statute relating to crimi- } act committed.
nal law }
WRITTEN NOTICE of such ACTION and } shall be given to the defendant ONE
of the cause thereof } MONTH at least before suit.

THE CANADA EVIDENCE ACT, 1893.

Application.—(SEC. 2).

This Act { to ALL CRIMINAL PROCEEDINGS, and } respecting which the Parlia-
 APPLIES { to ALL CIVIL PROCEEDINGS and } ment of Canada has juris-
 other matters whatsoever } diction in this behalf.

Witnesses.—(SECS 3 to 6).

A person shall NOT be INCOMPETENT to give } by reason of INTEREST or CRIME.
 evidence }

ACCUSED may TESTIFY. { An ACCUSED, or his or her WIFE or } shall be a COMPETENT witness.
 HUSBAND }
 BUT NO HUSBAND shall be competent to disclose any communi- }
 cation made to him by his wife } DURING their
 AND NO WIFE shall be competent to disclose any communica- } MARRIAGE.
 tion made to her by her husband }
 The FAILURE of the accused } shall not be made the subject of COMMENT by
 or of his wife or her hus- } the JUDGE or of COUNSEL for the PROSECU-
 band TO TESTIFY } TION in addressing the Jury.

Incriminating Evidence. { No witness shall be excused from } on the ground that the answer may
 answering any question } tend to criminate him.
 Provided, however, that if, as to any question, the witness objects } other than a
 to answer, because his answer may tend to criminate him, and } prosecution for
 if, but for this section, he would therefore have been excused } perjury
 from answering, then, although he shall be compelled to } in giving
 answer, yet the answer so given shall not be used or receivable } such evi-
 in evidence against him in any criminal trial or other criminal } dence. (1)
 proceeding against him, thereafter taking place, }

MUTE. { A witness who is unable } may give his evidence in any other manner
 { to speak } in which he can make it intelligible.

(1) As amended by 61 Vic., c. 53.

Documentary Evidence.—(SECS 7 to 21).

As to proof of Imperial Acts, of Canadian and Provincial ordinances, proclamations, etc., of judicial documents, of Imperial proclamations and of official documents,	}	see secs. 7 to 18.
and		
As to proof by copies of or extracts from official books, by copies of documents in the Canada Gazette and by copies of entries in Government books and Quebec Notarial Acts.		

No COPY of any book or other document shall be RECEIVED in EVIDENCE upon any trial, { unless the party intending to produce it has, at least TEN DAYS before the trial, given, to the party against whom it is intended to be produced, notice of such intention.

Affirmations.—(SECS 22 to 24).

Instead of taking an oath, } a person may make a SOLEMN AFFIRMATION ;

and

his evidence, deposition or affidavit shall be taken and { as if taken UNDER OATH.

Evidence of Child.—(SEC. 25).

In any legal proceeding where a child of tender years is tendered as a witness, and such child does not, in the opinion of the Judge, Justice or other presiding officer, understand the nature of an oath, { such child's evidence may be received though not given upon oath if, in the opinion of the Judge, Justice or other presiding officer, such child possesses sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

2. But no case shall be decided on such evidence alone, { and such evidence must be corroborated by some other material evidence.

Statutory Declarations.—(SECS 26, 27).

See secs. 26 and 27.

